

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, *et al.*

Defendants,

v.

SOUTH FORK COAL COMPANY, LLC,

Defendant-Intervenor.

Civil Action No. 5:24-cv-00274 (Judge Volk)

DECLARATION OF ANDREW W. YOUNG

I, Andrew W. Young, state and declare as follows:

1. The following facts are personally known to me and, if called as a witness, I could and would truthfully testify to these facts.

2. I live in Charlottesville, Virginia.

3. I earned my law degree from the George Washington University Law School in 2023, where I studied environmental law. I earned my Bachelor of Arts degree from Pomona College in 2016.

4. I work as a staff attorney for the Allegheny Blue Ridge Alliance. I have worked for Allegheny Blue Ridge Alliance since 2018. Prior to serving as its attorney, I worked for the

Allegheny Blue Ridge Alliance to conduct aerial and on-the-ground surveys of the Blue Ridge Mountains, focusing on candy darter habitat.

5. My work also involves participating and encouraging public participation in the decision-making process for state and federal agencies, including the U.S. Forest Service and the Office of Surface Mining Reclamation and Enforcement. I am actively involved in public comment, review, and public awareness campaigns relating to mines, roads, and timber sale affecting the candy darter's habitat.

6. I am an active member of the West Virginia Highlands Conservancy and have been since 2019.

7. The West Virginia Highlands Conservancy is a nonprofit organization that has been incorporated in West Virginia since 1967. Its volunteer board of directors and approximately 1,500 members work for the conservation and wise management of West Virginia's natural resources. As one of West Virginia's oldest environmental activist organizations, the West Virginia Highlands Conservancy is dedicated to protecting clean air, clean water, forests, streams, mountains and the health and welfare of the people that live in the Mountain State and those who visit to recreate.

8. Since October 2023, I have served as an at-large member on the Board of Directors of the West Virginia Highlands Conservancy. I also serve on several of its committees, including the Public Lands Committee, which works directly on issues affecting the Monongahela National Forest and other public lands, and I chair the Extractive Industry Committee, which works directly on the impacts of natural resource extraction within the state.

9. As a member of the West Virginia Highlands Conservancy's Public Lands Committee, I obtain and review regulatory documents affecting the environment, including

agency inspections and violations reports, permits, and public documents relating to projects on public land in West Virginia and Virginia.

10. I spend my spare time recreating in the Central Appalachian Mountains, and particularly in the Allegheny Highlands of Virginia and West Virginia. I enjoy hiking, kayaking, mountain biking, trail running, and backpacking. I love to do these activities with my wife and my dogs, and I cherish the restorative effects that accompany being in these wild, natural places.

11. Some of my favorite places to recreate are on the Monongahela National Forest, including the Cranberry Wilderness and the Falls of Hills Creek. Forest Road 223, also called Bear Run Road, provides what I consider to be the best access to these places when driving from WV State Route 219 and the Greenbrier Valley.

12. On June 26, 2024, I hiked trails and went swimming around the Falls of Hills Creek area of the Monongahela National Forest. I used Forest Road 223 to access these hikes.

13. In May 2024, I backpacked through the Monongahela National Forest from the Falls of Hills Creek to Rocky Knob and then to Briery Knob, which are areas near Forest Roads 223 and 249.

14. In the winter of 2023, my wife and I drove up Forest Service Road 223 to hike Briery Knob and then visited Droop Mountain Battlefield State Park with our dogs.

15. I have backpacked and camped in the area around the South Fork Cherry River and site of the former Briery Knob Lookout Tower near Forest Road 249, which is also called Sugartree Road.

16. I am an avid photographer. I enjoy taking landscape and aerial photography. I also do environmental storytelling through my photographs. The Monongahela National Forest is one of my favorite photography subjects.

17. On numerous occasions I have surveyed and photographed the coal haulroads at issue in this case, Forest Roads 223 and 249, by plane. I have also surveyed and photographed the candy darter critical habitat in the South Fork Cherry River and other waterways adjacent to South Fork's mines by plane to document their impacts on the surrounding forest.

18. Most recently, on August 27th, 2024, I flew over the South Fork Cherry River Watershed to take photographs and video footage, including photographs and videos of the Monongahela National Forest around Forest Roads 223 and 249. I observed trucks creating enormous dust plumes on the haulroads during that trip, visible from more than a mile away.

19. In my personal and professional capacities, I have visited the areas of the Monongahela National Forest around the haulroads, Forest Roads 223 and 249, dozens of times.

20. I plan to paddle the South Fork Cherry River with my wife in March 2025, or as soon as the river is high enough to navigate the whitewater rapids. I also plan to paddle the North Fork Cherry River this spring when it is running.

21. In May 2025, I plan to take a three- to five-day trip with my wife and dogs to camp, hike, and mountain bike near the Falls of Hills Creek, the Fork Mountain Trail, and the surrounding national forest near the North Fork Cherry River.

22. I consider myself an activist and stalwart advocate for the candy darter, a cherished native Appalachian fish that is affectionately known as the underwater rainbow.

23. Candy darters were first documented in Pocahontas County, West Virginia in 1931. They are native to the upper Kanawha River Basin and found nowhere else in the world.

24. The candy darter depends on clean, flowing freshwater for its life cycle. Candy darters cannot survive in streams that are polluted by sediment or contaminants, which are often

introduced into their stream habitats by run-off from gravel roads, mining, logging, and other human actions in the surrounding forests.

25. I think this beautiful, vibrant fish is one of the most important species in the United States because it survives only in the most pristine remaining freshwater streams in Virginia and West Virginia. The candy darter speaks for the streams and the surrounding forest, because when the health of the streams and forests start to decline, the candy darter starts to decline, too. There are only twelve remaining populations, and occupied candy darter habitat is now mostly limited to the upper reaches of its former range in relatively undisturbed watersheds of the Monongahela National Forest in West Virginia, and the Jefferson National Forest in Virginia. The candy darter is an indicator species in the truest sense of the term. Its survival depends on preservation of watershed integrity in the two national forests where it is found, and wise management decisions by the Forest Service.

26. I first began working as an activist and advocate for the candy darter in 2018, and I have spent the last six years trying to protect it from the impacts of mining, clearcutting, and pipelines. I survey and report on impacts to the candy darter's critical habitat from these activities. I also enjoy looking for candy darters every time that I visit its habitat, and I look forward to hopefully seeing one during my planned, upcoming trips next spring.

27. In 2021 the U.S. Forest Service issued a permit authorizing a private coal company, South Fork Coal Company, LLC ("South Fork"), to haul coal and heavy loads of equipment on Forest Service roads Forest Service Roads 223 and 249, which run within and adjacent to designated candy darter critical habitat.

28. I have witnessed first-hand the imminent threat to the candy darter's critical habitat in the South Fork Cherry River and Laurel Creek caused by South Fork's mining

activities, including the use of Forest Roads 223 and 249 to haul coal. Both on the ground and through aerial surveys, I have seen the dust, sediment, and runoff caused by coal hauling along these Forest Service roads.



*Aerial photograph taken by Andrew Young on November 13, 2023
showing haul road from Monongahela National Forest*

29. I am deeply concerned that the tree cutting and the dust and noise from coal hauling and mining is harming bats native to the Monongahela National Forest, including the endangered Indiana bat and northern long-eared bat, as fugitive dust blankets the vegetation along Forest Roads 223 and 249.

30. As part of my efforts to protect the candy darter, I have sought out public documents about activities affecting the candy darter and its critical habitat on the Monongahela National Forest and at the nearby mines owned by South Fork.

31. In connection with my role on the West Virginia Highlands Conservancy's Public Lands Committee, I obtained and reviewed public documents through Freedom of Information Act requests to federal agencies, including the U.S. Forest Service and Office of Surface Mining Reclamation and Enforcement, as well as through searching the website of federal and state agencies, including the West Virginia Department of Environmental Protection (WVDEP).

32. Attached hereto as **Exhibits 1** through **31** are true and correct copies of some of the documents that I obtained through my public records requests and searches.

33. These documents include multiple WVDEP inspections, notices of violation, and follow-up inspections of the coal haulroads utilized by South Fork in this case. They show that South Fork has been repeatedly noncompliant with its permit obligations to maintain the roads, including its obligations to prevent sediment from draining into the freshwater streams adjacent to the roads, to maintain drainage ditches and culverts, to prevent raw coal from spilling on the roadway, and to control fugitive dust from the roadway.

34. Reviewing these documents, I learned that within only a few months of the Forest Service's issuance of the road use permit, WVDEP received a citizen complaint about run-off from the coal haulroad causing cloudy, turbid water conditions in a stream. *See* WVDEP Complaint Investigation dated January 6, 2022, attached as **Exhibit 1**.

35. After inspecting the haulroad on March 2, 2022, WVDEP's investigator reported, "Throughout the entire length of the haulroad I documented multiple locations that were out of compliance." WVDEP Complaint Investigation dated March 3, 2022, attached as **Exhibit 2**.

36. Because of its failure to comply with its permit obligations, WVDEP issued a Notice of Violation to South Fork that very same day, citing South Fork's "Failure to maintain the approved haulageway, in that multiple sections of the ditch are full of sediment, most of the

sumps are full of sediment, many areas do not have a durable rock surface and multiple areas are rutted causing drainage issues.” WVDEP Notice of Violation 1 dated March 3, 2022, attached as **Exhibit 3**. It noted, “Also, a few sections of the haulroad doesn’t have sumps for the runoff to pass through before leaving the permit.” **Exhibit 3**.

37. On a follow-up inspection of Notice of Violation 1, WVDEP ordered South Fork to “CEASE ALL HAULING OF COAL IMMEDIATELY,” based on its determination of “off of site conditions worsening and potential off-site impacts that can happen with each precipitation event moving forward.” WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated March 9, 2022, attached as **Exhibit 4**.

38. South Fork was out of compliance under multiple subsequent inspections conducted under Notice of Violation 1 and remained so until June 22, 2022. *See* WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated March 18, 2022, attached as **Exhibit 5**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated March 29, 2022, attached as **Exhibit 6**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated April 5, 2022, attached as **Exhibit 7**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated May 3, 2022, attached as **Exhibit 8**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated June 6, 2022, attached as **Exhibit 9**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 1 dated June 22, 2022, attached as **Exhibit 10**.

39. This was not the end of South Fork’s issues with run-off resulting from its use of the coal haulroad. On March 2, 2023, WVDEP issued South Fork another Notice of Violation. This time, Notice of Violation 2 reported that the

Company has failed to control or prevent additional contributions of suspended solids to runoff outside the permit area in that sumps located at road marker 15 were

discharging extremely discolored water from the haulroad. Samples taken show that water leaving the haulroad permit was discharging with a level of 724 mg/l [of total suspended solids].

WVDEP Notice of Violation 2 dated March 2, 2023, attached as **Exhibit 11**.

40. A week later on March 8, 2023, WVDEP issued South Fork another Notice of Violation on the grounds that “Company has failed to ensure that the maintenance of the haulroad prevents excessive dust from leaving the site.” WVDEP Notice of Violation 3 dated March 8, 2023, **Exhibit 12**.

41. The following spring, South Fork’s pattern of violations continued, with WVDEP issuing South Fork Notice of Violation 7 on March 6, 2024. The reason for the violation was that the “Company has failed to control and prevent erosion of the haulroad; in that, the haulroad is extremely muddy, rutted in multiple locations, and the surfacing has deteriorated and has not been sufficiently repaired or replaced where necessary.” WVDEP Notice of Violation 7 dated March 6, 2024, attached as **Exhibit 13**.

42. Finding that South Fork had refused to abate the conditions that WDVEP cited in its Notice of Violation 7, WVDEP issued South Fork a Cessation Order on March 27, 2024, where it expressly found, “The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C.O.)” WVDEP Cessation Order and Notice of Violation 8 dated March 27, 2024, **Exhibit 14**. “The permittee or operator has failed to abate the violation included in Notice of Violation #7 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.” **Exhibit 14**.

43. As recently as last month, WVDEP issued its eleventh Notice of Violation, again on the basis of South Fork “failing to ensure that the maintenance of the haulroad prevents excessive dust from leaving the site.” WVDEP Notice of Violation 11 dated October 23, 2024, attached as **Exhibit 15**.

44. The sediment, dust, and runoff problems identified by WVDEP in Notices of Violation are among the significant concerns that I and the other members of West Virginia Highlands Conservancy have regarding the daily hauling of coal through the Monongahela National Forest using Forest Roads 223 and 249, and it is especially disconcerting that these violations are occurring in spring when the candy darters are spawning in this area.

45. Another problem with hauling coal on the Monongahela National Forest roads is the spillage of toxic, raw coal onto the haulroad, for which South Fork has repeatedly been cited.

46. On April 7, 2023, South Fork spilled coal onto the haulroad, resulting in a violation. WVDEP reported, “Company has allowed coal to spill on the road surface in multiple locations of the haulroad.” WVDEP Notice of Violation 4 dated April 27, 2023, attached as **Exhibit 16**.

47. Months later, on August 29, 2023, South Fork “allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.” After spilling toxic coal on the road, WVDEP issued South Fork its fifth Notice of Violation. *See* WVDEP Notice of Violation 5 dated August 29, 2023, attached as **Exhibit 17**.

48. Spillage of coal on the haulroads was a problem that persisted throughout 2023. On October 26, 2023, WVDEP issued Notice of Violation 6 on the basis that the “Company has allowed non-durable and toxic material to spill on the haulroad, in that coal trucks have spilled

on to the surface of the haulroad in several locations.” WVDEP Notice of Violation 6 dated October 26, 2023, attached as **Exhibit 18**.

49. Through my research and advocacy for the dandy darter, I’ve become increasingly distraught knowing that spills of toxic substances like raw coal onto the haulroads poses an imminent threat to the streams that the candy darter depends on for survival. It can result in toxic chemicals and heavy metals, such as selenium and lead, reaching the waters and harming candy darters and other aquatic life.

50. In sum, between March 2022 and October 2024, the West Virginia Department of Environmental Protection cited South Fork Coal Company, LLC with eleven notices of violation relating to the haulroad permit. *See* WVDEP Violation History for Permit O302211 as of March 22, 2024, attached as **Exhibit 19**; *see also* WVDEP Violation Follow-Up Inspection Report for Notice of Violation 8 dated April 1, 2024, attached as **Exhibit 20**; WVDEP Notice of Violation 9 dated August 7, 2024 attached as **Exhibit 21**; WVDEP Violation Follow-Up Inspection Report for Notice of Violation 9 dated August 19, 2024, attached as **Exhibit 22**; WVDEP Notice of Violation 10 dated September 10, 2024, attached as **Exhibit 23**. WVDEP has also cited South Fork for failure to comply with its Clean Water Act obligation to maintain a National Pollutant Discharge Elimination Permit for the haulroad. *See* WVDEP Notice to Comply dated February 1, 2024, attached as **Exhibit 24**.

51. South Fork has a history of sediment control and discharge issues with its other holdings, too. In August 2021, WVDEP found that South Fork had a pattern of violations relating to its Pretty Ridge (Permit No. S300219) mine and issued it an order to show cause why its permit should not be rescinded or revoked. *See* WVDEP Show Cause Order dated August 12,

2021, attached as **Exhibit 25**. These violations are public record and presented foreseeable risks when the U.S. Forest Service issued a road use permit to South Fork.

52. In order to monitor and create public awareness of the ongoing violations on the haulroads and South Fork's other permit issues, Allegheny Blue Ridge Alliance has created an interactive map of the area around the haulroads and mines, which also shows the notices of violation. An example of the mapped data for the South Fork Cherry River is attached as **Exhibit 26**.

53. In connection with my work on the West Virginia Highlands Conservancy's Public Lands Committee, I also reviewed public records from the U.S. Forest Service in response to our Freedom of Information Act Request relating to the road use permit issued to South Fork.

54. These records show that the U.S. Forest Service has performed its own, though less frequent, inspections on the haulroads it authorized under the Road Use Permit, and that the U.S. Forest Service found results consistent with the WVDEP's inspections. For example, on March 17, 2022, the U.S. Forest Service reported on an inspection of Forest Roads 223 and 249 where it found multiple areas of non-compliance with the coal haul road, particularly as winter began to thaw in the area and snow melt increased run off. *See* March 17, 2022 Email from Chad Arbogast, attached as **Exhibit 27**.

55. Reporting on Forest Service Road 249, an employee of the U.S. Forest Service that served as a site Inspector wrote,

The contractor is currently out of compliance on FR 249 but coal hauling operations have been suspended until such time as road repairs are complete. The area has received substantial rainfall over the past two weeks. The rainfall coupled with typical 'thaw' conditions has caused FR 249 to become muddy on the surface, show signs of heavy rutting in localized areas, and has led to sedimentation filling cleanout areas at the ends of culverts. The WVDEP has shut down all coal hauling operations until such time as the road has been repaired and sediment traps have been cleaned out.

Exhibit 27.

56. Reporting on Forest Service Road 223, the U.S. Forest Service Inspector wrote,

FR 223 has several soft areas with minor rutting. Area has recently received some stone in what would have been the worst (muddiest) areas. Removal of snow on FR 223 for winter hauling activities (for both permittees) has cause a loss of surface aggregate. Heavy hauling during the winter and recent thaw has caused some rutting which is resulting in poor drainage in some areas, causing soft spots and some minor surface erosion. Also, the outlet end of a culvert at the intersection of FR 223 and US 39 has been crushed by heavy traffic failing to make the turn onto FR 223 properly.

Exhibit 27. He also reported, “It is my position that the damage listed above is a direct result of the permittees use during the winter and early spring seasons.” **Exhibit 27.**

57. The U.S. Forest Service Inspector confirmed that the damage found on his inspection was the type of damage that the U.S. Forest Service had anticipated, writing the day before his site visit that “some damage from hauling, that would be hard for normal traffic to negotiate, is anticipated on both CR 29/4 and FR 249 during hauling activities. That is why those roads were closed to the public for the duration of hauling and mining activities.” **Exhibit 27.**

58. The U.S. Forest Service conducted another inspection of the condition of Forest Service Road 249 on April 26, 2022. On that inspection, the U.S. Forest Service found South Fork’s work to be “unacceptable.” U.S. Forest Service Contract Daily Diary, April 26, 2022, attached as **Exhibit 28.** Another Forest Service employee who inspected the site reported:

No erosion control other the sumps in ditches and drain
Road is very dusty and some spots clean 1”1/2 to 2 inch stone
Road ditches has sediment in them from the runoff the road prism.
If we have a weather event, they will be a lot of sediment that will be getting in the drains.

Exhibit 28.

59. When the U.S. Forest Service conducted another inspection of Forest Service Roads 223 and 249 on May 2, 2022, it noted “pressing concerns of sedimentation and road

instability.” U.S. Forest Service South Fork Coal Road Use Permit Inspection (FR 223 & 249), dated May 2, 2022, attached as **Exhibit 29**.

60. On Forest Road 249, the U.S. Forest Service Inspector reported, “There is evidence that sedimentation is escaping beyond existing sedimentation control devices.” **Exhibit 29**. He also reported, “There is evidence of pipes starting to mishape and crush, under existing load stresses, in multiple locations.” **Exhibit 29**.

61. On Forest Road 223, the U.S. Forest Service Inspector reported, the “[c]ulvert at the entrance of FR 223, at the intersection with State Route 32, has had the outlet end of the culvert crushed by truck swinging inside the established roadway.” **Exhibit 29**. He wrote, “Issue should be addressed as soon as possible to prevent overflow and potential road/resource damage.” He also reported, “Heavy use of commercial stone trucks hauling stone to project site on FR 249, as well as grading and winter plowing activities have caused loss of stone from the road prism on FR 223.” **Exhibit 29**.

62. These records confirm and corroborate the concern I share with the other members of the West Virginia Highlands Conservancy that the activities taking place pursuant to the road use permit are harming the endangered candy darter and its critical habitat by polluting the streams that receive runoff from the haulroads with sediment and contaminated run-off.

63. When I reviewed these records as part of West Virginia Highlands Conservancy, it was upsetting to learn that the U.S. Forest Service anticipated that issuance of the road use permit would cause sedimentation and run-off that could harm the candy darter and destroy its critical habitat, but that the agency had failed to engage in consultation with the U.S. Fish and Wildlife Service about how to avoid these harms.

64. The recurring nature of these harms suggests that this is an ongoing problem which will continue to reoccur in the future.

65. These records also substantiate our concerns about harm to the roosting and foraging habitat for the endangered Northern Long-eared Bat and Indiana Bats through tree clearing, vegetation removal, and deposition of excessive dust.



*Aerial photograph taken by Andrew Young on August 27, 2024
showing haul road outside of Monongahela National Forest*

66. In addition, as part of my review of the Rocky Run Surface Mine permits and related documents, I reviewed the September 2019 Indiana Bat Protection and Enhancement Plan for the Rocky Run Surface Mine for South Fork Coal Company, LLC (“Indiana Bat and NLEB PEP”), attached as **Exhibit 30**. To access this document, I visited the WVDEP’s permitting site at https://apps.dep.wv.gov/webapp/_dep/securearea/public_query/ePermittingApplicationSearchPa

[ge.cfm](#), and input Rocky Run Mine's permit number (S301219) into the Permit Number search bar, and click "go." On the next page, I scrolled down to the Surface Mine Application and clicked the blue permit number, linked. This brought up the Permit Database, on which I clicked 'Attachments' on the left side bar, which brought up a pop-up window with all of the mine's permit attachments, including one titled "PEP-NARRATIVE" that is the Indiana Bat and NLEB PEP.

67. Earlier this year, on behalf of the West Virginia Highlands Conservancy, I drafted and lodged a complaint with the Office of Surface Mining Reclamation and Enforcement (OSMRE) about South Fork's failure to include protection and enhancement plans (PEPs) for the federally endangered candy darter and its critical habitat for multiple permits, including O-3022-11, which pertains to this haulroad. In response to our complaint, OSMRE issued a Ten-Day Notice of Violation on July 31, 2024. OSMRE Ten-Day Notice No. X24-111-440-003, attached as **Exhibit 31**.

68. My review of the public documents from WVDEP and the U.S. Forest Service demonstrate to me that the coal haulroad is affecting the candy darter and its critical habitat where it is supposed to be federally protected. I have dedicated my life and career to protecting the candy darter and the places upon which the species depends, in part because of my personal interest in viewing this species, now and in the future. The South Fork of the Cherry River and North Fork Cherry River are among the most important of those places. They are among the last, best habitat of the candy darter and home to some of its last healthy populations due to both the pristine quality of the streams and barriers to the encroachment of the variegated darter, an introduced species that threatens the candy darter. If this stronghold is lost, I fear we will lose the candy darter forever.

69. Degradation of the pristine streams on which the candy darter depends is intertwined with the degradation of the wild places in the Monongahela National Forest that I deeply cherish. It deprives me of my ability to use my public lands and have a say in the way that they are managed.

70. My scientific, recreational, conservation, and aesthetic interests are harmed by the U.S. Forest Service's failure to comply federal law, including the Endangered Species Act and the National Environmental Policy Act.

71. Had the U.S. Forest Service complied with federal law when it issued the road use permit to South Fork Coal Company LLC, I would have had an opportunity to participate in public comment and other parts of the decision-making process to ensure that the permit did not unlawfully harm the candy darter, the Indiana bat, or the northern-long eared bat. If the U.S. Forest Service had engaged in the consultation process pursuant to the Endangered Species Act and conducted an environmental review under the National Environmental Policy Act, it would have had to consider the direct, indirect, and cumulative effects of issuing the road use permit as well as reasonable alternatives. It would have had to examine whether the road use permit would jeopardize the survival of the candy darter, the Indiana bat, or the northern-long eared bat or adversely modify the candy darter's critical habitat. Only if the U.S. Forest Service follows the law do these endangered species get the protection to which they are legally entitled.

72. To remedy this situation, the U.S. Forest Service needs to withdraw South Fork Coal Company, LLC's permit to use the roads in the candy darter's habitat and consult with the U.S. Fish and Wildlife Service to make sure the candy darter is not being jeopardized and its critical habitat is not being adversely modified. A court order requiring the U.S. Forest Service to

do so would redress my injuries and would help protect the watershed so that candy darters continue to survive in one of their last strongholds as a species.

73. I declare under penalty of perjury that the foregoing is true and correct.



Andrew W. Young

Executed on the 21 day of November, 2024 in Charlottesville, Virginia.

Exhibit 1
to Standing Declaration of Andrew W. Young

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West Virginia Department of Environmental Protection

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ERIS

DIVISION OF MINING AND RECLAMATION

COMPLAINT INVESTIGATION

PERMIT NUMBER	COMPLAINT		INITIAL COMPLAINANT CONTACT		
	DATE	TIME	DATE	TIME	COMMENTS: Initial contact was made on 01/05/2022 at 3:30pm. Because of a system error the "Initial Complainant Contact" had to be entered in as 01/06/2022.
O302211	01/06/2022	04:00	01/06/2022	15:30	
METHOD OF COMPLAINT <input type="checkbox"/> IN PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> HOTLINE <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> OTHER					
TYPE OF COMPLAINT <input checked="" type="checkbox"/> NON-BLASTING <input type="checkbox"/> BLASTING					
NON-CONFIDENTIAL					
CITIZEN NAME: <u>ANONYMOUS, N/A</u>					
ADDRESS: _____ PHONE: (H) _____ (W) _____					
CITIZEN TO ACCOMPANY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATE/TIME CITIZEN ADVISED OF RIGHT TO ACCOMPANY: _____ (If yes, fill out Accompany Form)					

NATURE OF COMPLAINT

Complainant states that discolored water has been discharging off of South Fork Coal Company's haulroad into Beard Lick and Panther Camp Branch

CONTRACT BLASTING FIRM _____	
BLASTER NAME _____ (CERT #) _____	
DISTANCE TO NEAREST PROT. STRUCT. (ft) _____	BLAST GPS LOCATION LAT _____ LONG _____
PERMITTEE NAME <u>SOUTH FORK COAL COMPANY, LLC</u>	
OPERATOR NAME _____	
COUNTY <u>Greenbrier</u>	POST OFFICE <u>Renick</u> LOCATION _____
RECEIVING STREAM _____	NPDES NUMBER <u>WV1026593</u>
COMPLAINT STATUS <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> TERMINATED <input type="checkbox"/> UNSUBSTANTIATED <input type="checkbox"/> WITHDRAWN	
INVESTIGATION DATE <u>01/06/2022</u>	DATE RIGHT TO REVIEW ADVISED _____
INSPECT DATE _____ TIME _____	FORM # _____ ENF STD _____ VIOL # _____
FACILITY <u>Haulroad No. 2</u>	

INVESTIGATION RESULTS

Initial contact was made on January 5, 2022, at 3:30pm. On January 6, 2022, I conducted my investigation on permit O-3022-11. It was dry conditions with no water flowing from the haulroad. Upon completion of my investigation, it was determined that multiple sumps were approaching clean-out capacity. The company has been notified to

DISTRIBUTED TO: <u>Anonymous</u>	
PROVIDED TO CITIZEN: DEL. METHOD / DATE TIME <u>Mail 1/12/2022 13:43:00</u>	
CERTIFIED MAIL # _____	
WV DEP REP. <u>Ryan L. Thomas</u>	DATE <u>01/12/2022</u>

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West Virginia Department of Environmental Protection

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ERIS

DIVISION OF MINING AND RECLAMATION

COMPLAINT INVESTIGATION

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METHOD OF COMPLAINT <input type="checkbox"/> IN PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> HOTLINE <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> OTHER					
TYPE OF COMPLAINT <input checked="" type="checkbox"/> NON-BLASTING <input type="checkbox"/> BLASTING					

INVESTIGATION RESULTS (cont.)

clean-out all sumps approaching clean-out capacity.

Exhibit 2
to Standing Declaration of Andrew W. Young

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West Virginia Department of Environmental Protection

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DIVISION OF MINING AND RECLAMATION

COMPLAINT INVESTIGATION

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	DATE	TIME	DATE	TIME	COMMENTS
O302211	01/06/2022	04:00	01/06/2022	15:30	Initial contact was made on 01/05/2022 at 3:30pm. Because of a system error the "Initial Complainant Contact" had to be entered in as 01/06/2022.
METHOD OF COMPLAINT <input type="checkbox"/> IN PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> HOTLINE <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> OTHER					
TYPE OF COMPLAINT <input checked="" type="checkbox"/> NON-BLASTING <input type="checkbox"/> BLASTING					
NON-CONFIDENTIAL					
CITIZEN NAME: <u>ANONYMOUS, N/A</u>					
ADDRESS: _____ PHONE: (H) _____ (W) _____					
CITIZEN TO ACCOMPANY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATE/TIME CITIZEN ADVISED OF RIGHT TO ACCOMPANY: _____ (If yes, fill out Accompany Form)					

NATURE OF COMPLAINT

Complainant states that discolored water has been discharging off of South Fork Coal Company's haulroad into Beard Lick and Panther Camp Branch

CONTRACT BLASTING FIRM _____	
BLASTER NAME _____ (CERT #) _____	
DISTANCE TO NEAREST PROT. STRUCT. (ft) _____	BLAST GPS LOCATION LAT _____ LONG _____
PERMITTEE NAME <u>SOUTH FORK COAL COMPANY, LLC</u>	
OPERATOR NAME _____	
COUNTY <u>Greenbrier</u>	POST OFFICE <u>Renick</u> LOCATION _____
RECEIVING STREAM _____ NPDES NUMBER <u>WV1026593</u>	
COMPLAINT STATUS <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> TERMINATED <input type="checkbox"/> UNSUBSTANTIATED <input type="checkbox"/> WITHDRAWN	
INVESTIGATION DATE <u>03/03/2022</u>	DATE RIGHT TO REVIEW ADVISED _____
INSPECT DATE _____ TIME _____	FORM # _____ ENF STD _____ VIOL # _____
FACILITY <u>Haulroad No. 2</u>	

INVESTIGATION RESULTS

I arrived on site around 10:00am from the Bear Run guard shack. I first went out to the active strip then later in the afternoon I inspected the remaining section of haulroad. Throughout the entire length of the haulroad I documented multiple locations that were out of compliance. A Notice of Violation was issued to South Fork Coal Co.

DISTRIBUTED TO: _____	
PROVIDED TO CITIZEN: DEL. METHOD / DATE TIME <u>Certified 3/4/2022 11:53:00</u>	
CERTIFIED MAIL # <u>7019 1120 0002 0749 8157</u>	
WV DEP REP. <u>Ryan L. Thomas</u>	DATE <u>03/04/2022</u>

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West Virginia Department of Environmental Protection

Page 2 of 2

ERIS

DIVISION OF MINING AND RECLAMATION

COMPLAINT INVESTIGATION

PERMIT NUMBER	COMPLAINT		INITIAL COMPLAINANT CONTACT		
	DATE	TIME	DATE	TIME	COMMENTS:
O302211	01/06/2022	04:00	01/06/2022	15:30	Initial contact was made on 01/05/2022 at 3:30pm. Because of a system error the "Initial Complainant Contact" had to be entered in as 01/06/2022.
METHOD OF COMPLAINT <input type="checkbox"/> IN PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> HOTLINE <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> OTHER					
TYPE OF COMPLAINT <input checked="" type="checkbox"/> NON-BLASTING <input type="checkbox"/> BLASTING					

INVESTIGATION RESULTS (cont.)

for failure to maintain the approved haulroad.

Exhibit 3
to Standing Declaration of Andrew W. Young

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	03/03/2022	11:00	1	1082

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____

(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 03rd day of March, 2022. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

13(b)(17)

4.8.a.

[DOV] Description of Violation:

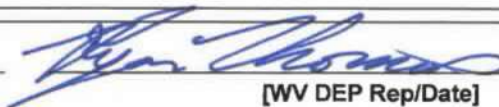
Failure to maintain the approved haulageway, in that multiple sections of the ditch are full of sediment, most of the sumps are full of sediment, many areas do not have a durable rock surface, and multiple areas are rutted causing drainage issues. Also, a few sections of the haulroad doesn't have sumps for the runoff to pass through before leaving the permit.

[REM] Remedial Measures:

Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road where needed to regain a proper pitch for drainage. Add gravel to all areas where it is needed. Also, construct sumps at every existing discharge point that doesn't have one. Make sure that all the sumps have 80 cu ft or more capacity. Use a series of sumps to achieve the required capacity in locations that you can't with one.

MUST BE CORRECTED BY DATE 03/17/2022 08:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 3/4/2022 08:00:00CERTIFIED MAIL NUMBER 7019 1120 0002 0749 8140ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

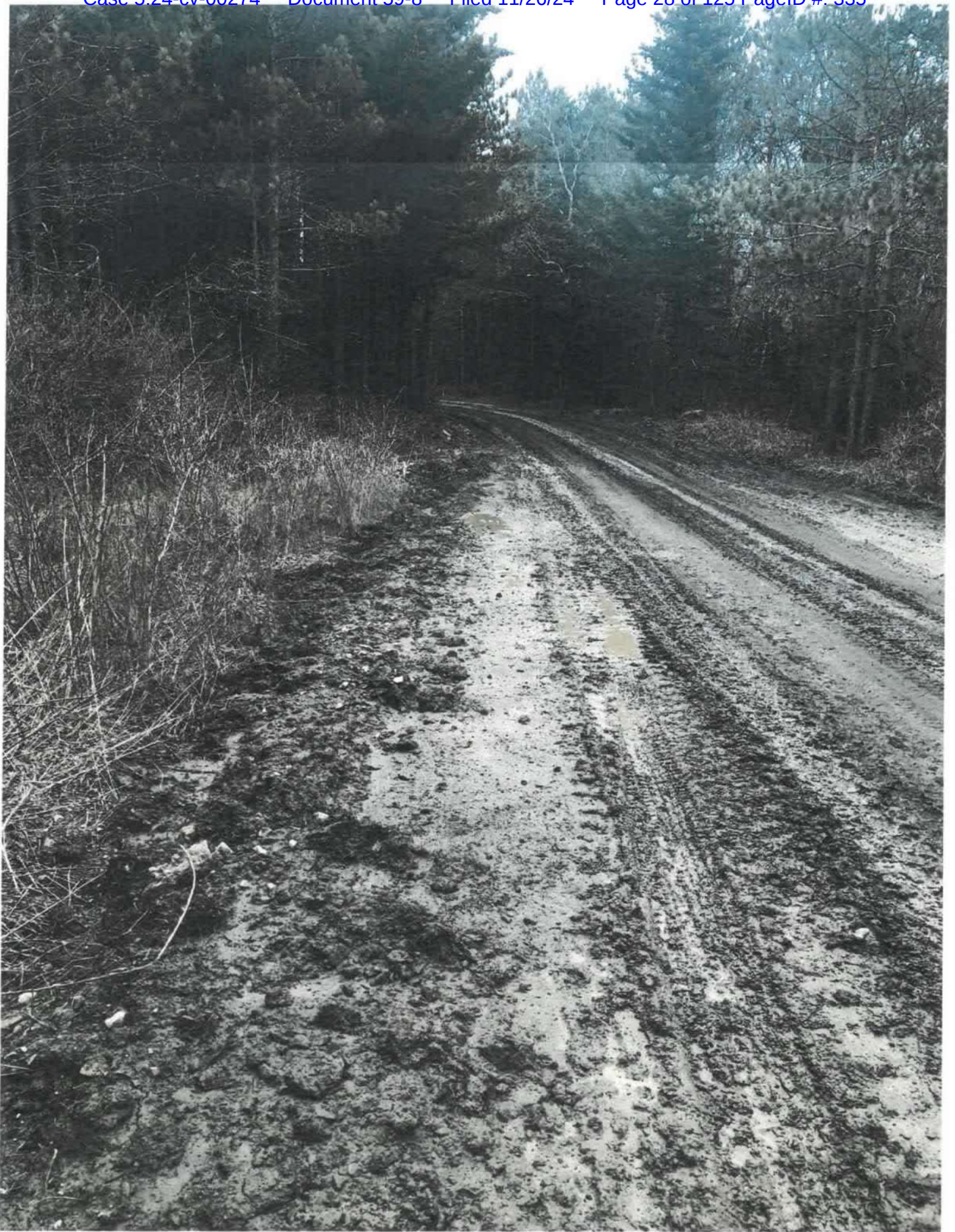
[Secretary, Department of Environmental Protection]

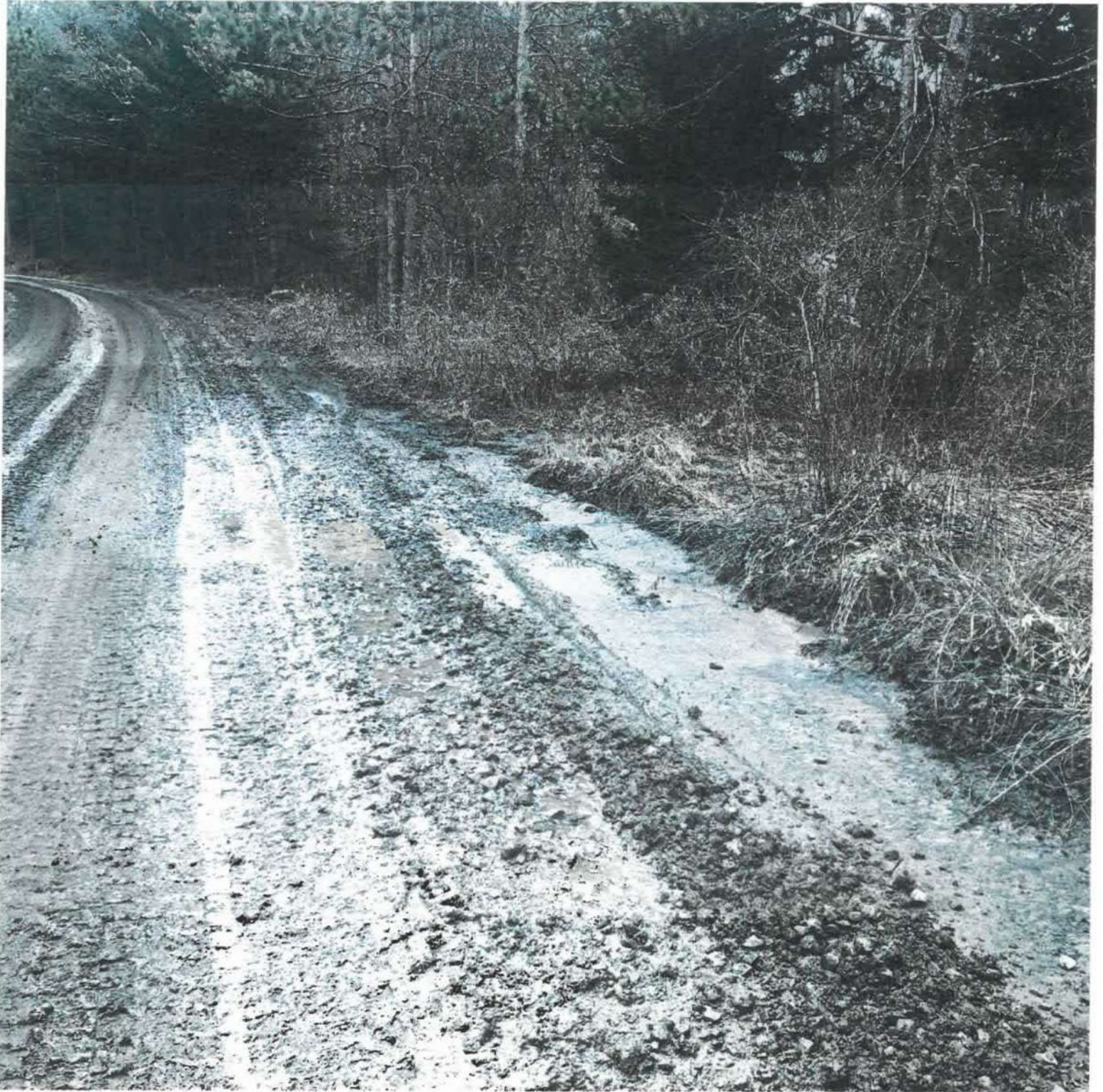

03/04/2022

[WV DEP Rep/Date]

Contact Ryan L. Thomas at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



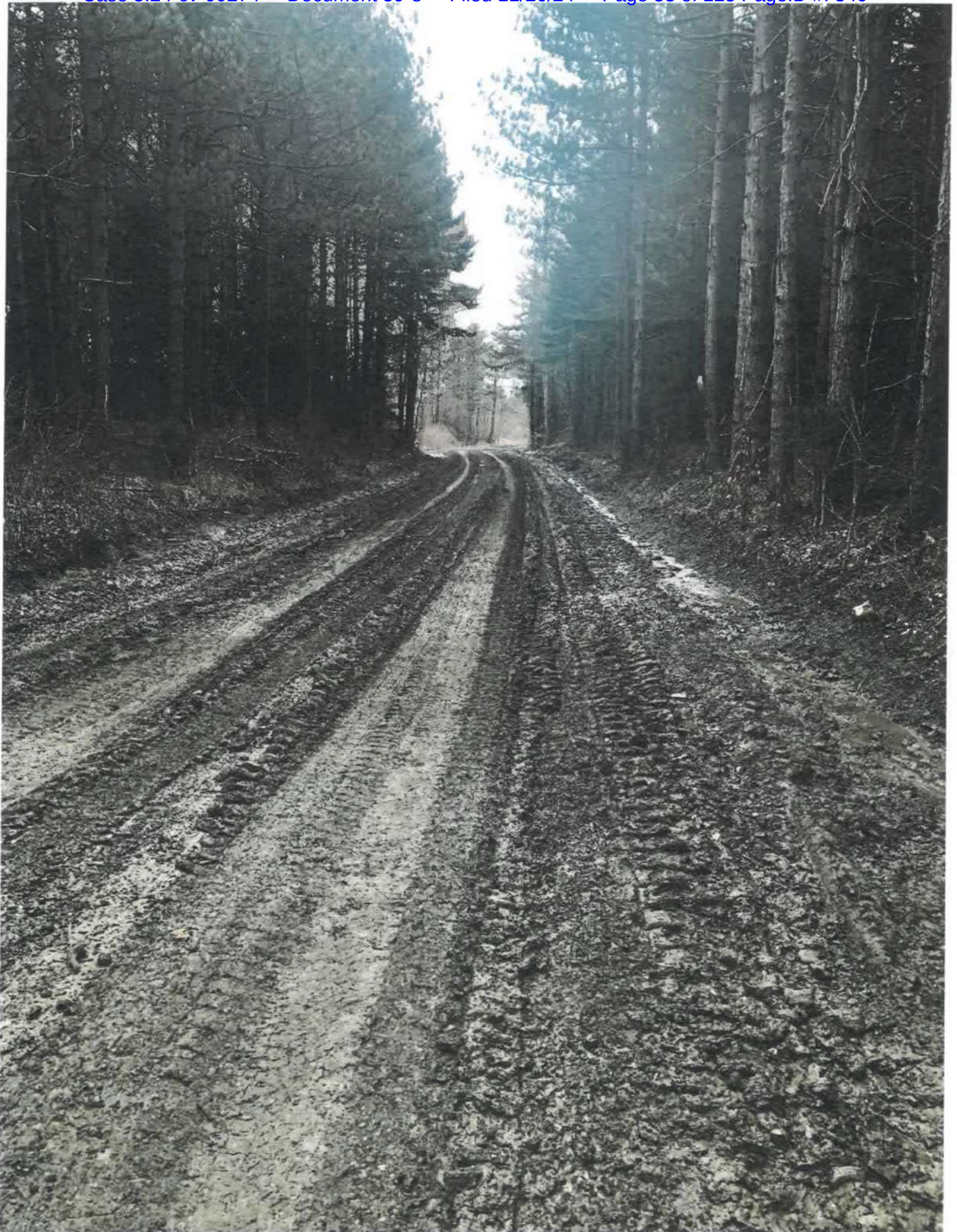




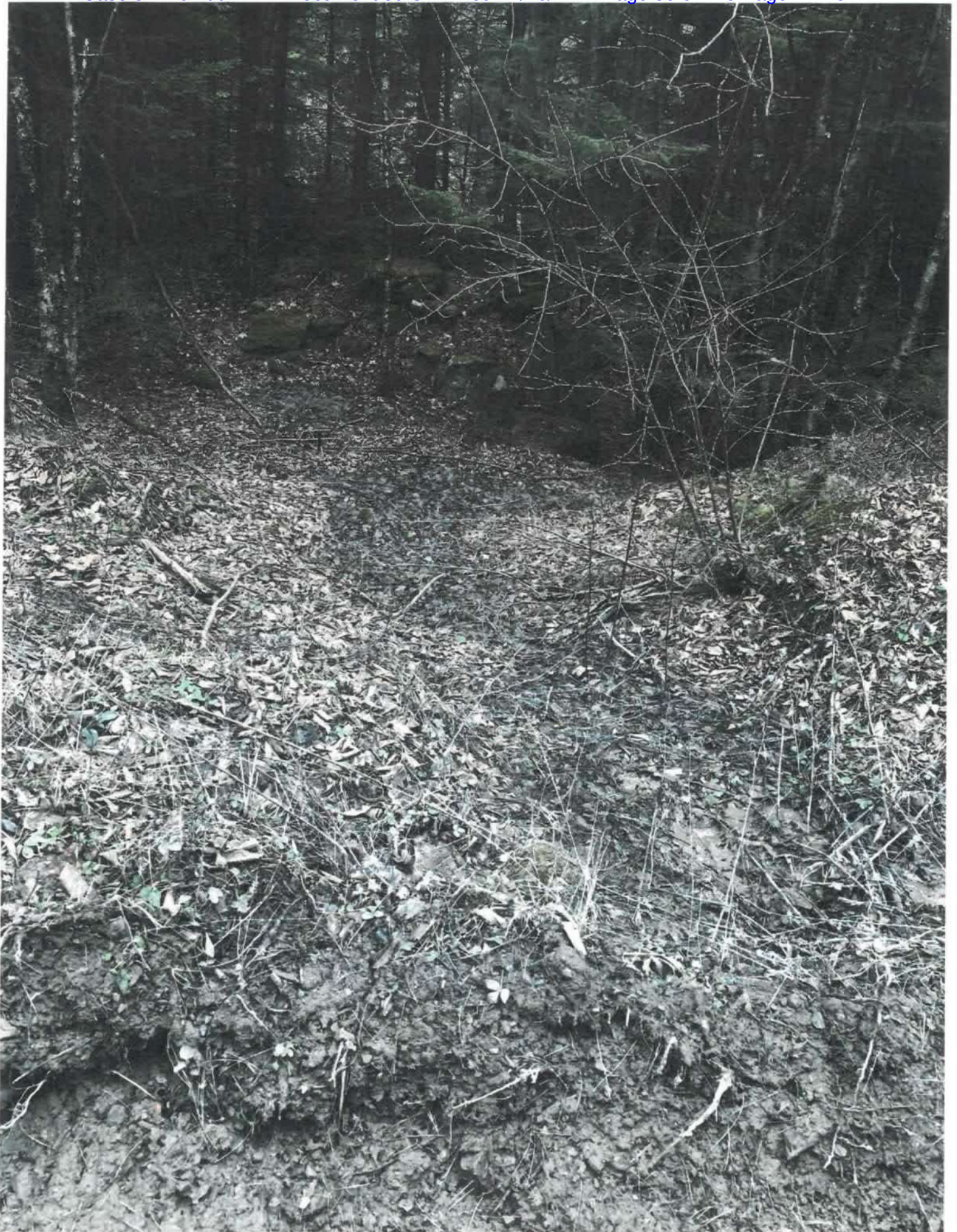




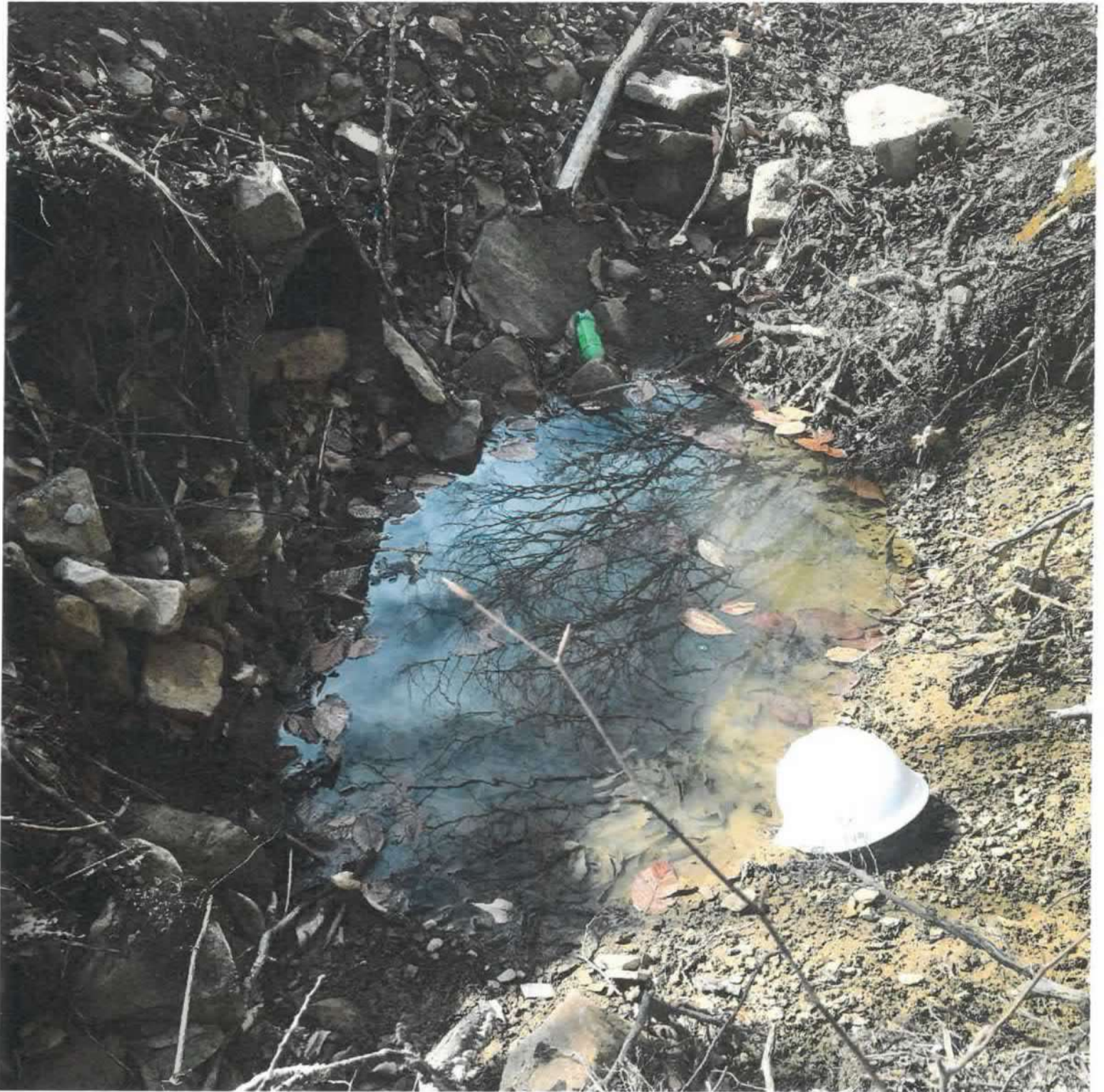


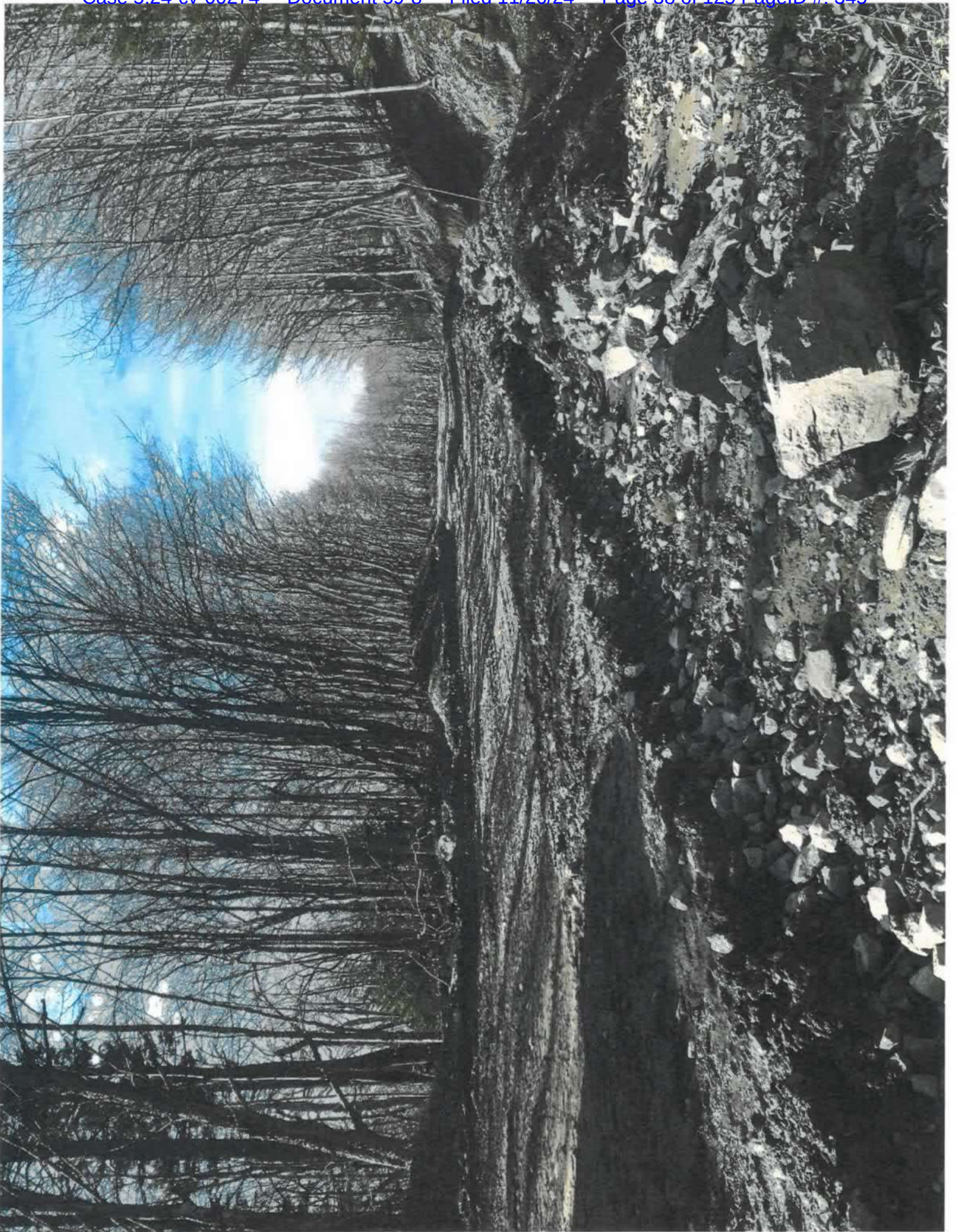


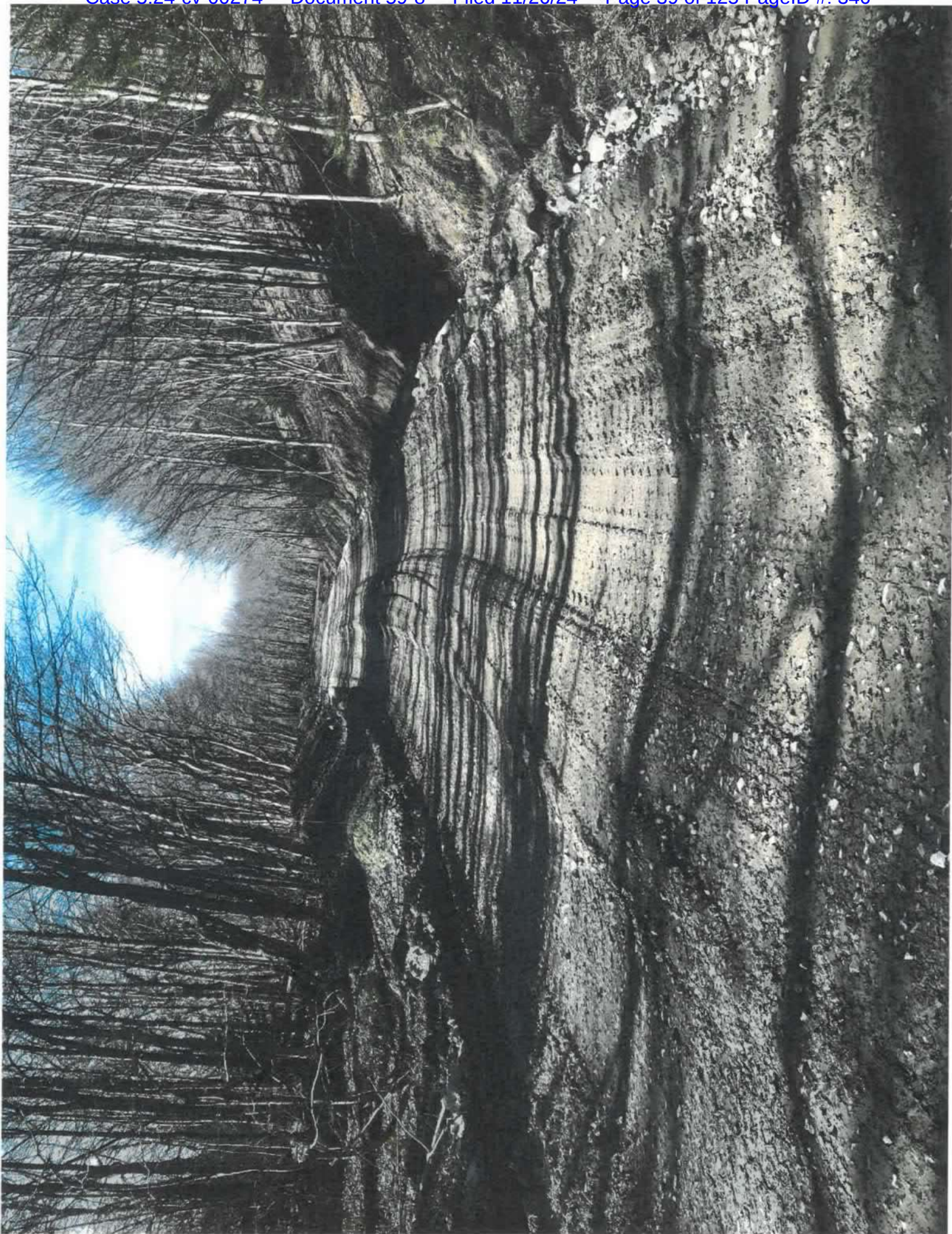








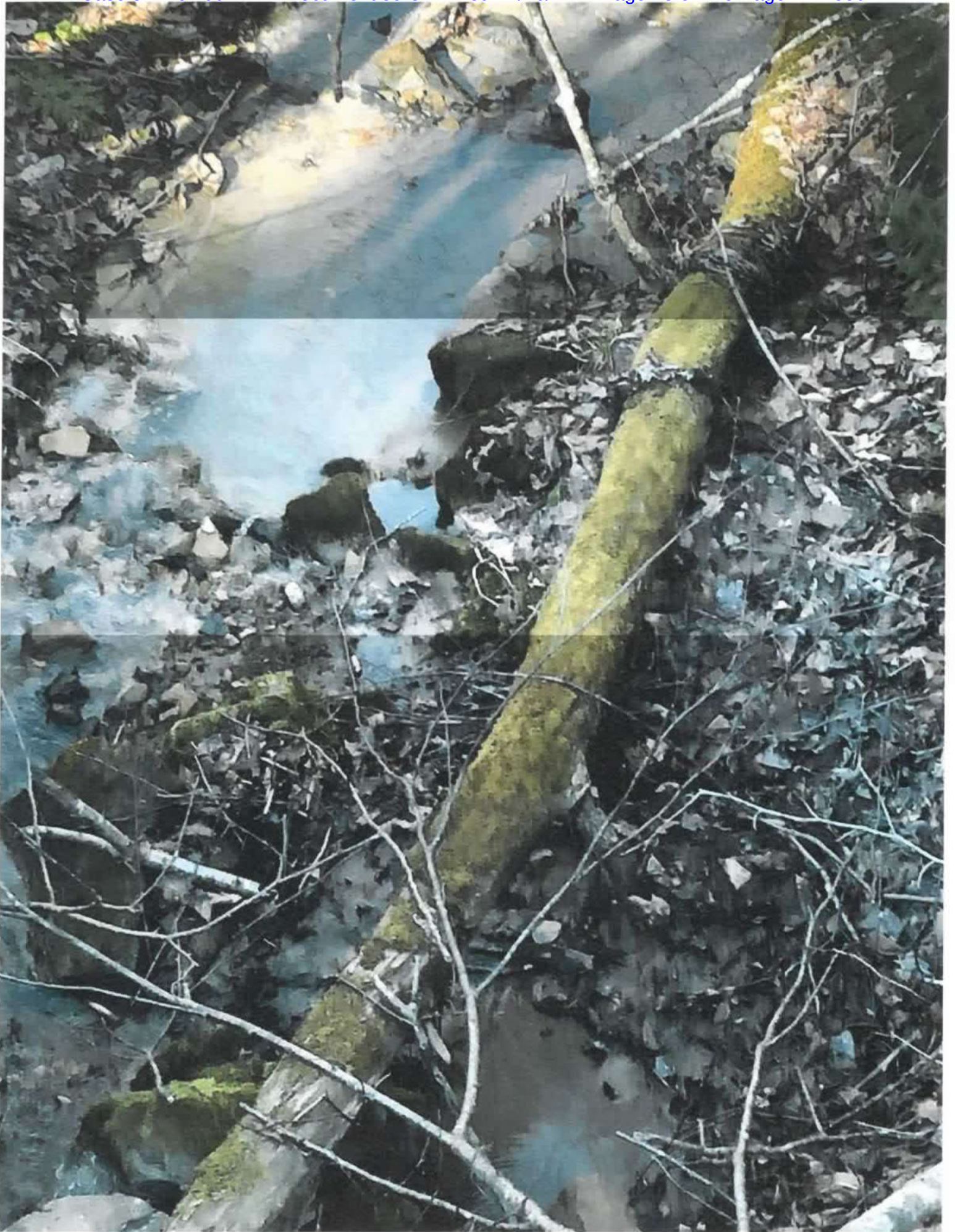




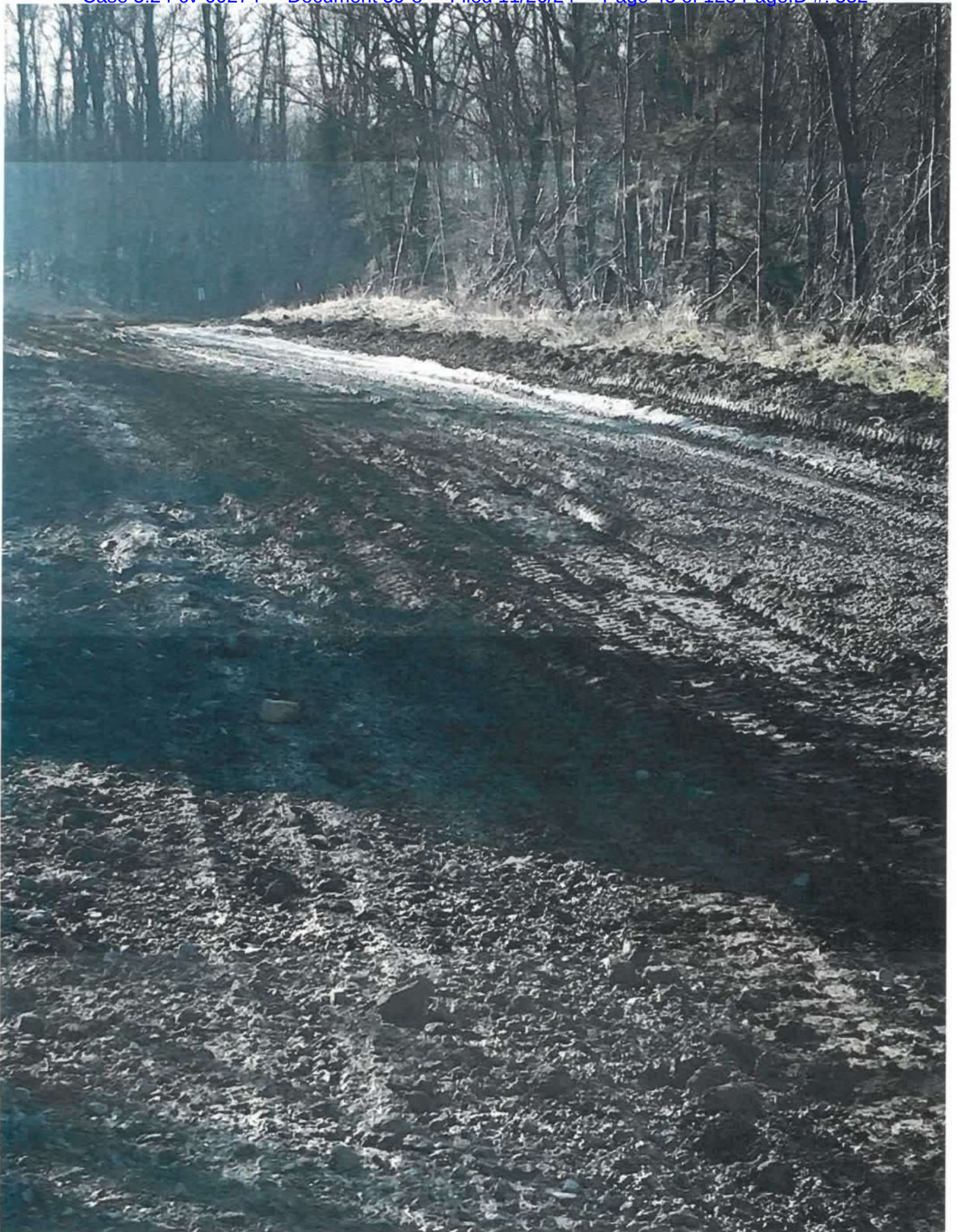




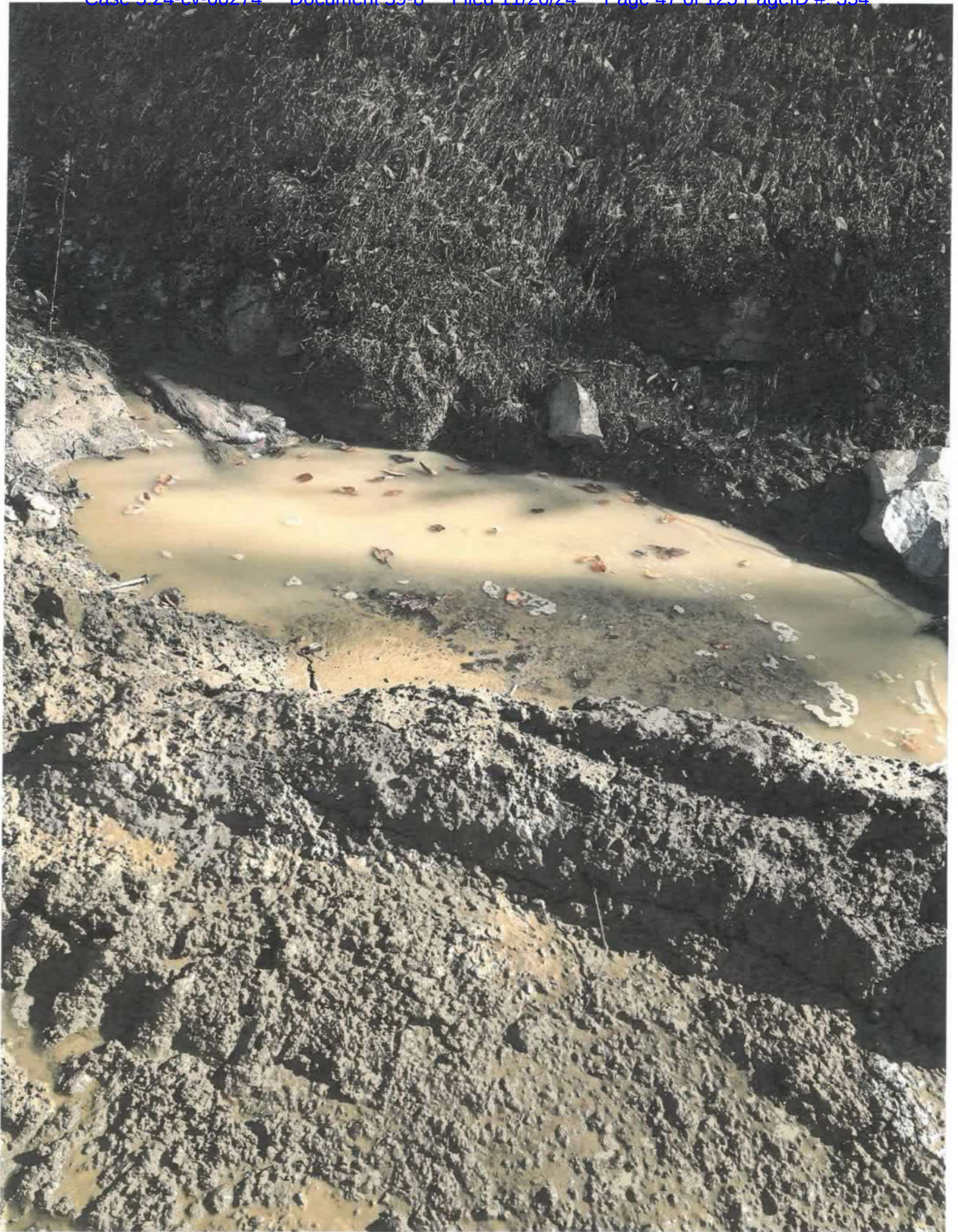


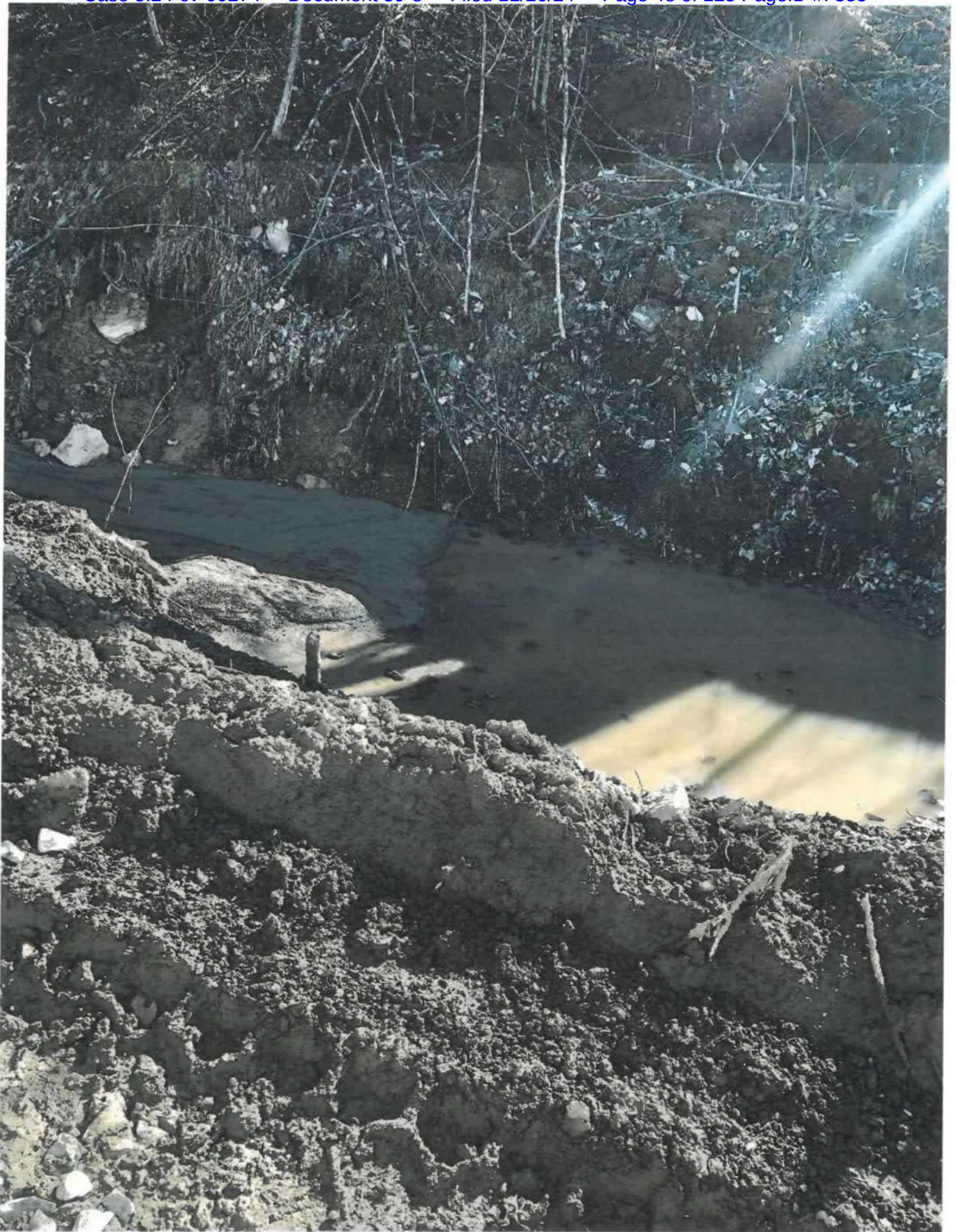




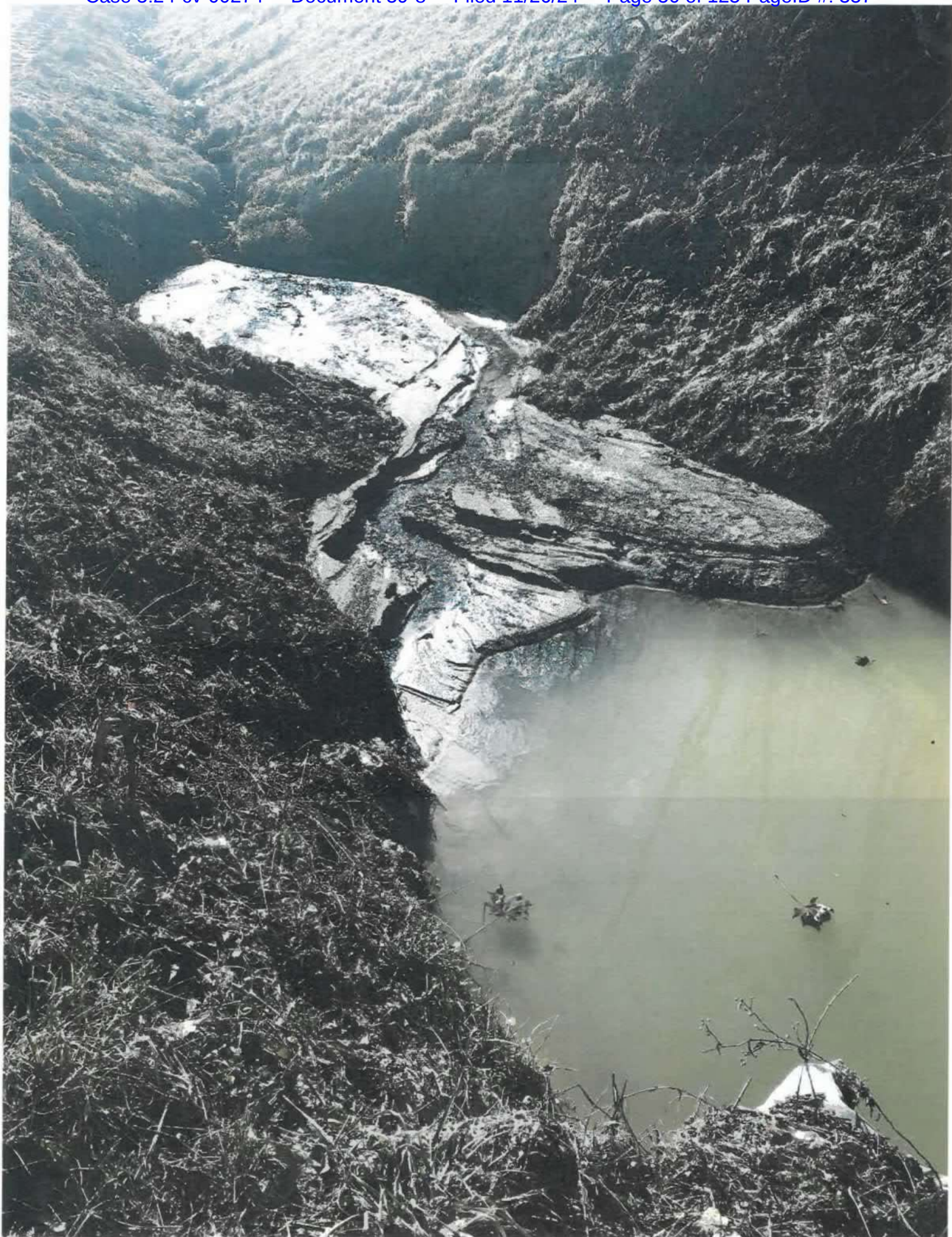










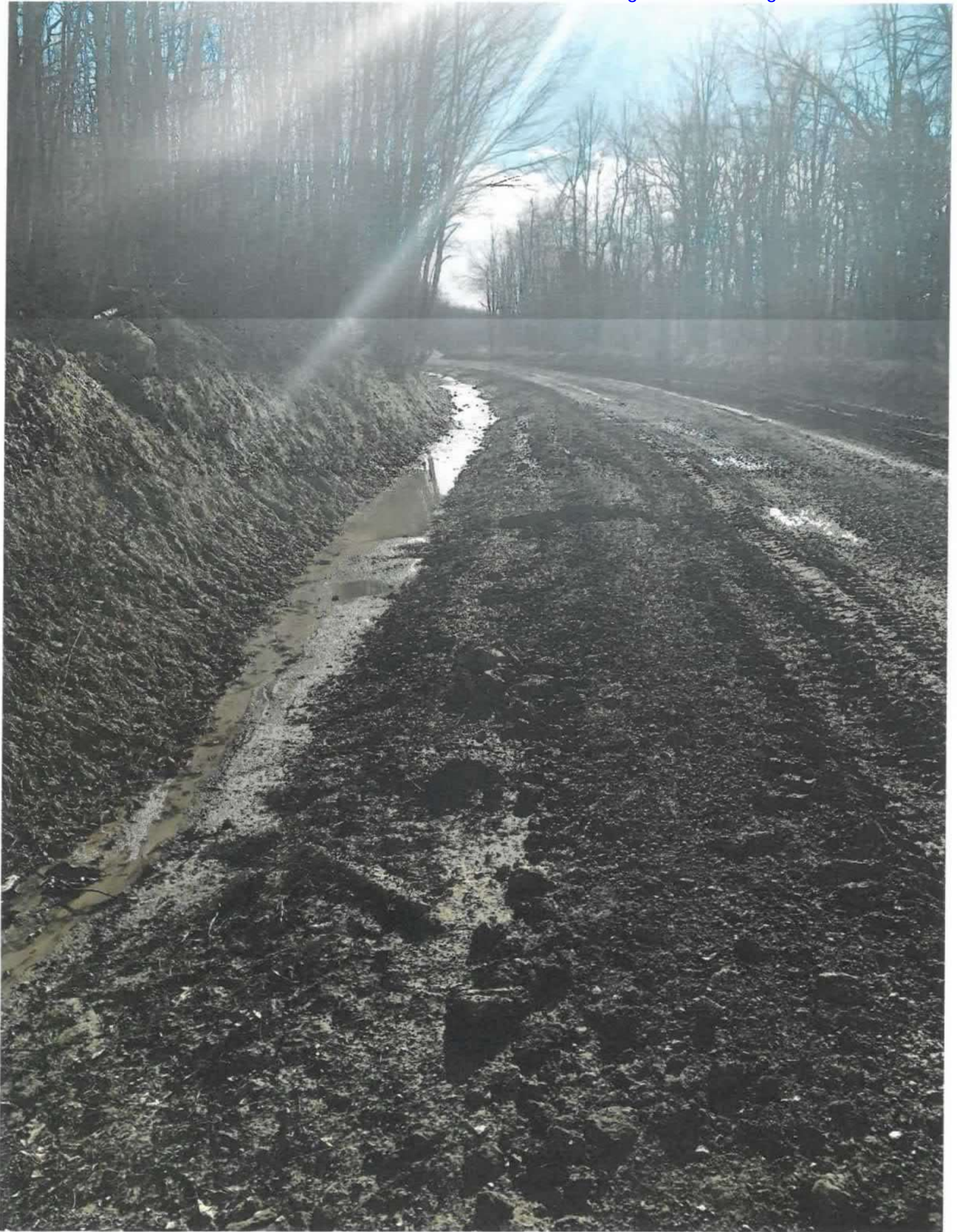


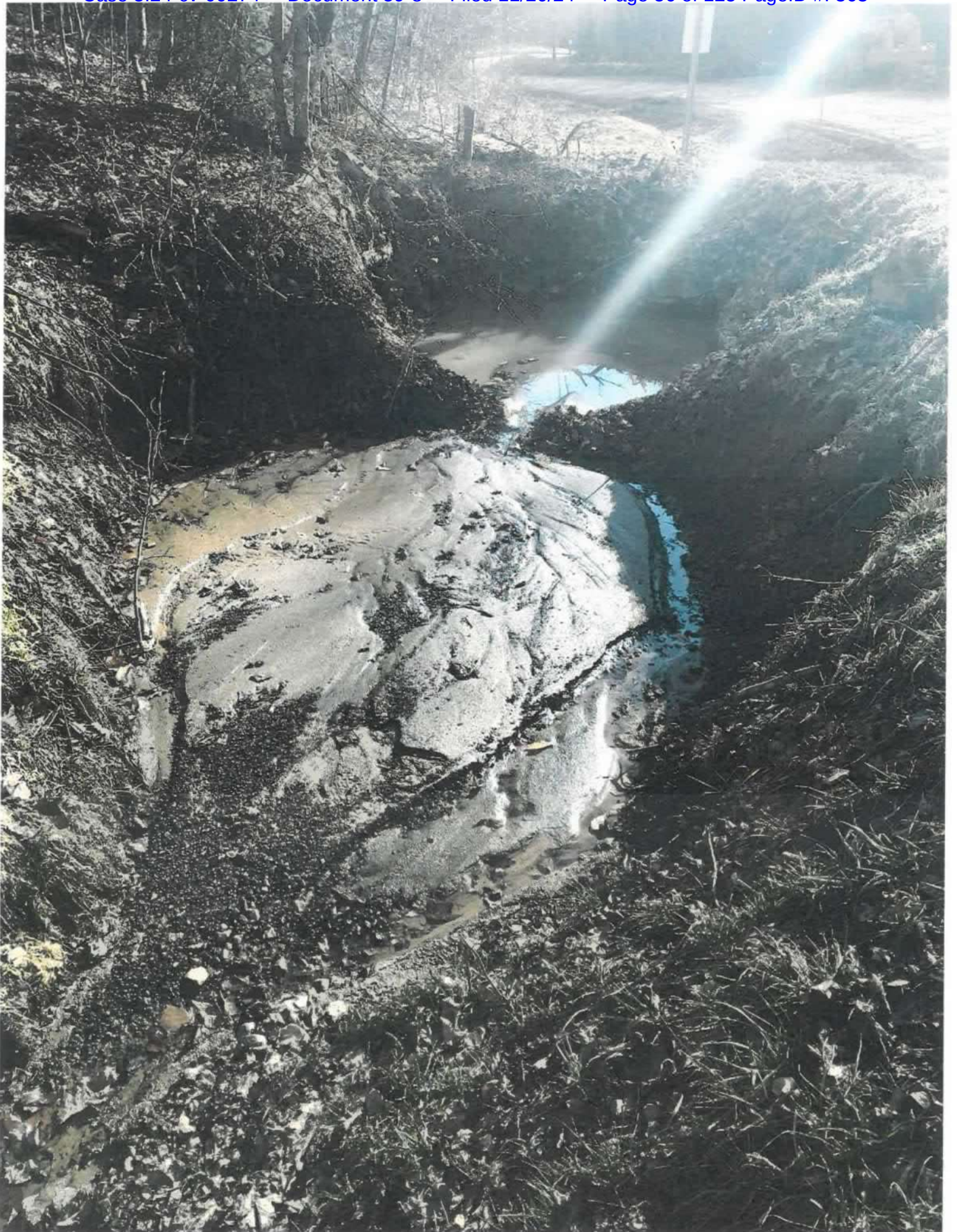


















U.S. Postal Service™
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Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee
\$ 3.75

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ 3.05
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

\$ 58

Total Postage and Fees

\$ 7.38

South Fork Coal Company LLC
1295 Ashford Hill Rd.
Ashford, WV 25009



for Instructions

7019 1120 0002 0749 8140

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 ■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Number (Transfer from service label)
 7019 1120 0002 0749 8140

3. Service Type
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery Restricted Delivery
☐ Collect on Delivery Restricted Delivery (over \$500)
☐ Insured Mail Restricted Delivery (over \$500)

4. Article Addressed to:
 South Fork Coal Company LLC
 1295 Ashford Hill Rd.
 Ashford, WV 25009

5. Barcode
 9590 9402 5576 9274 9351 25

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X 115

B. Received by (Printed Name)
 J.T. DALLAN

C. Date of Delivery
 11/26/24

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

Domestic Return Receipt
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Restricted Delivery

PSN 7630-02-000-9053 July 2015 Form 3811

Exhibit 4
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	03/09/2022	11:30

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☒ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

This follow-up is being completed to modify the current remedial measures in place based off of site conditions worsening and potential off-site impacts that can happen with each precipitation event moving forward. Also, the coal company is putting down non-durable material on the surface in areas that they are capping, creating additional problems.

CEASE ALL HAULING OF COAL IMMEDIATELY.

Remove all non-durable material that has been place on the surface. All original remedial measures remain in place as originally written.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Hand 3/11/2022 09:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]

Ryan Thomas [WV DEP Representative]3-10-22 Date

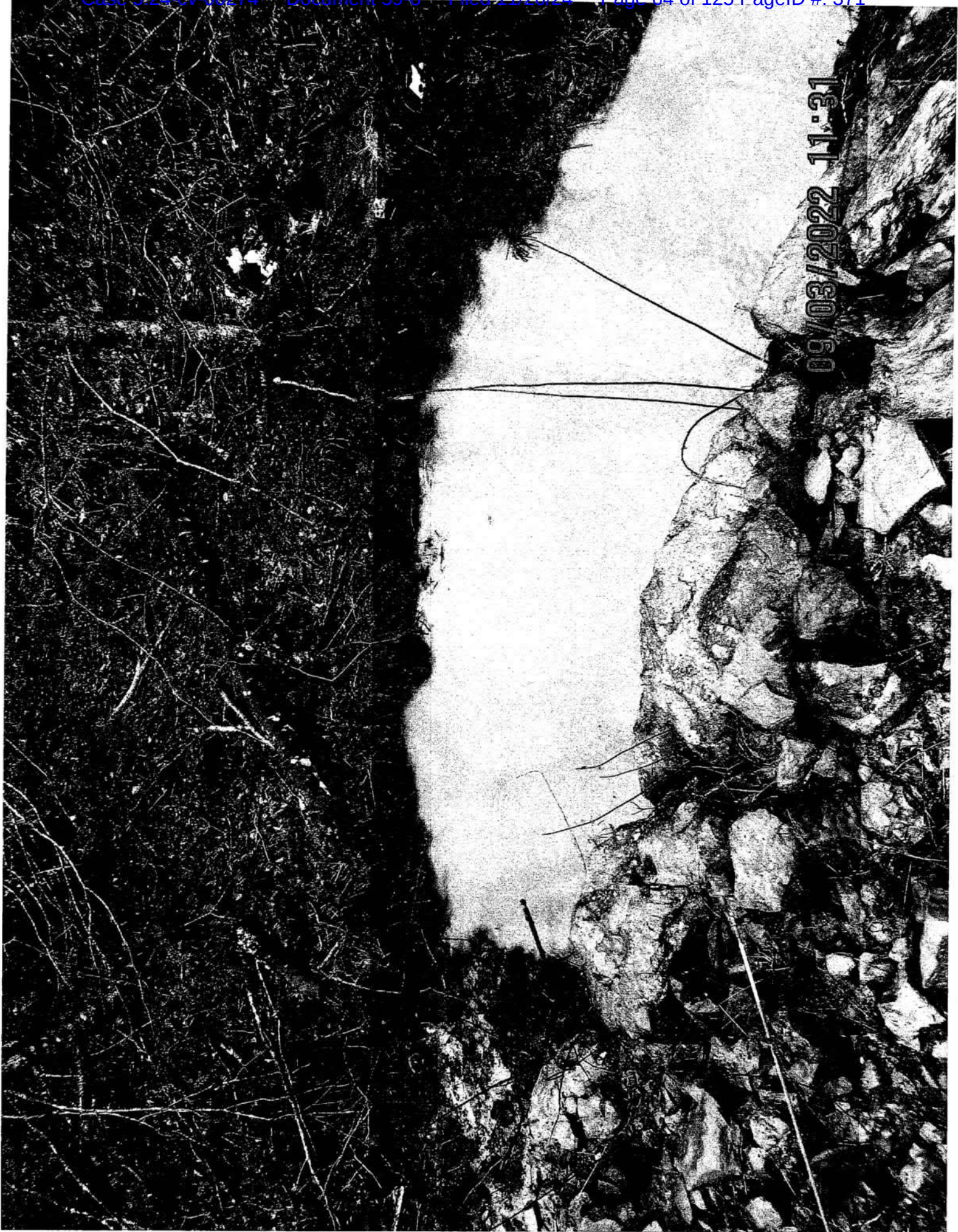
Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

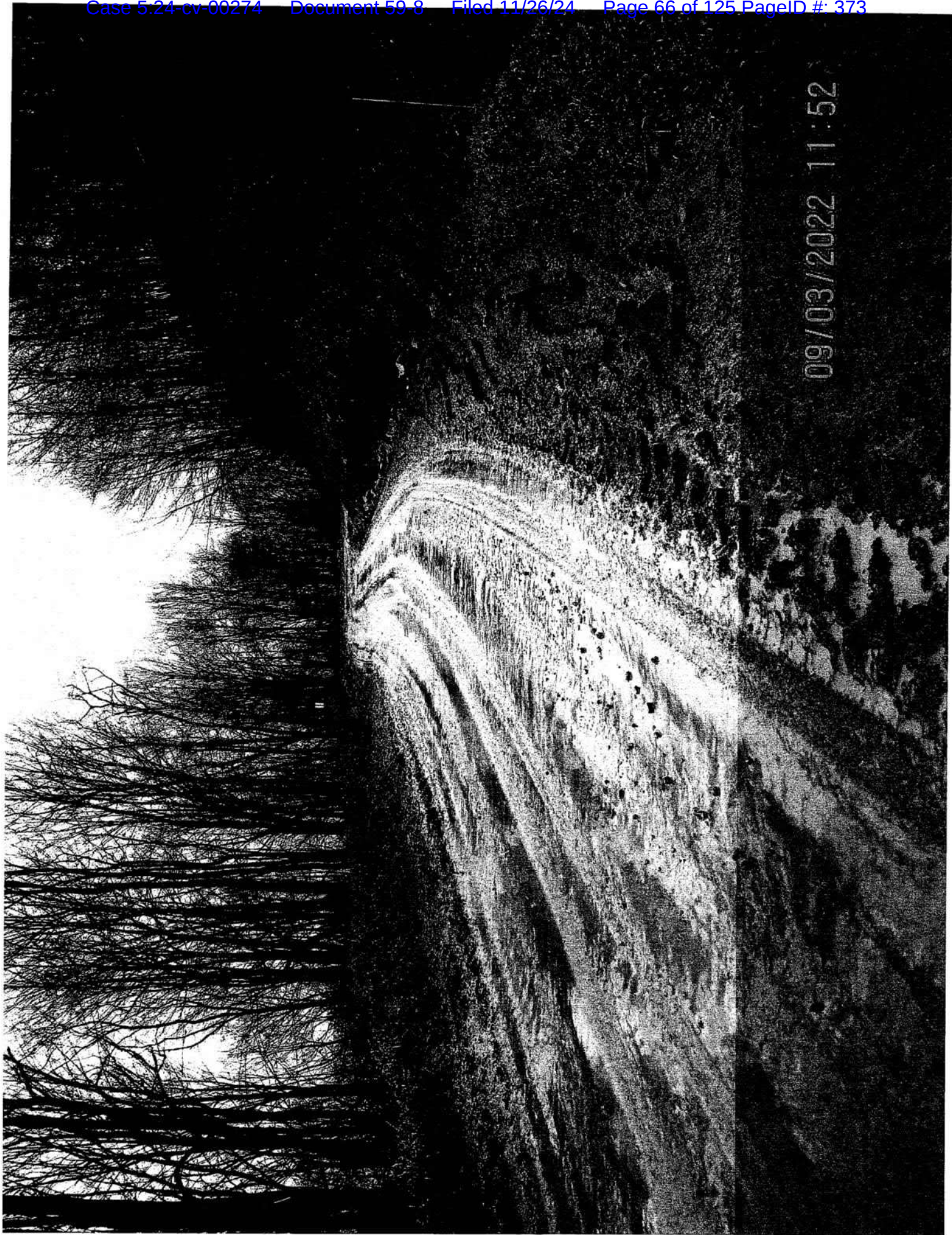
Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

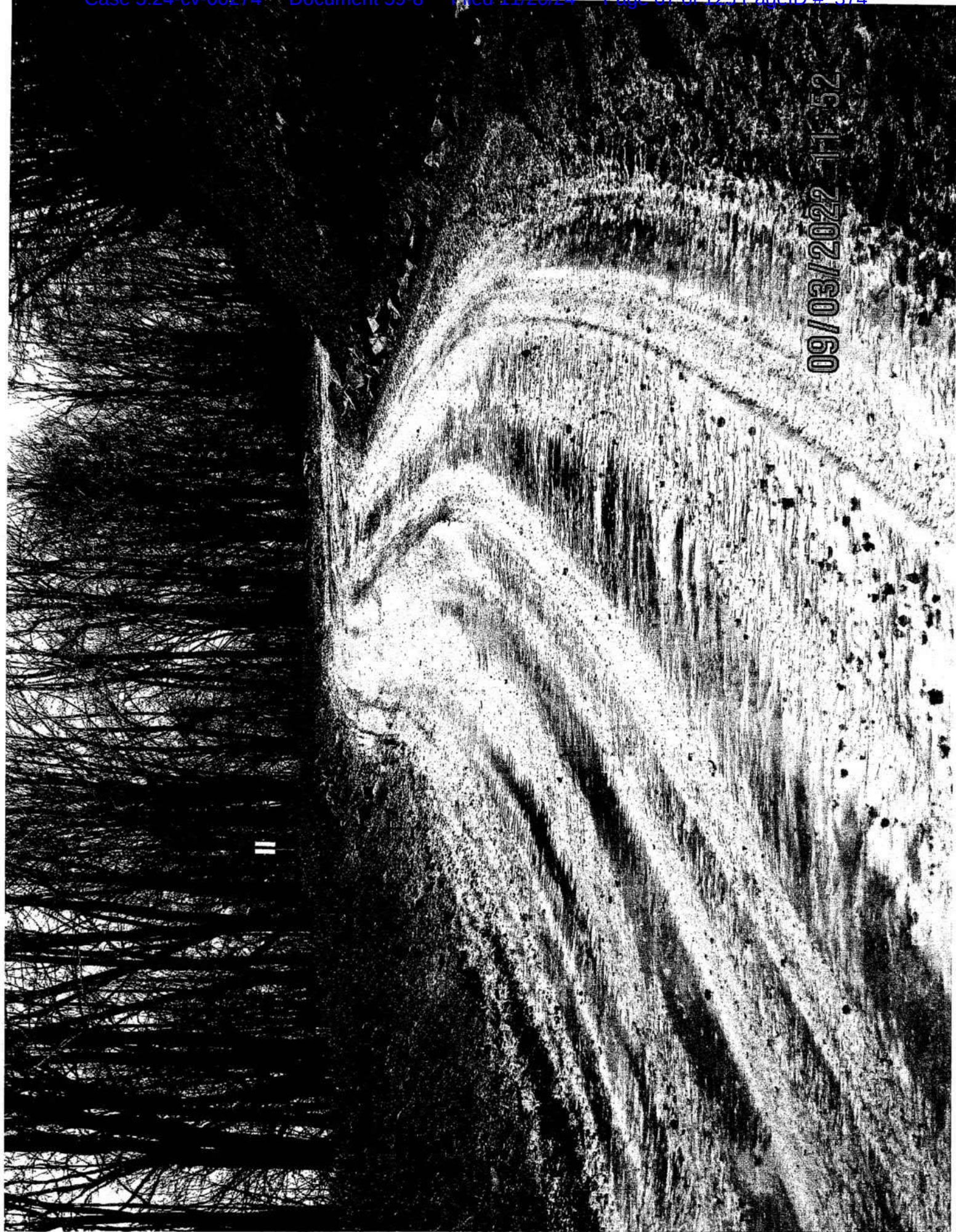
COMPANY REPRESENTATIVE: _____ DATE: _____



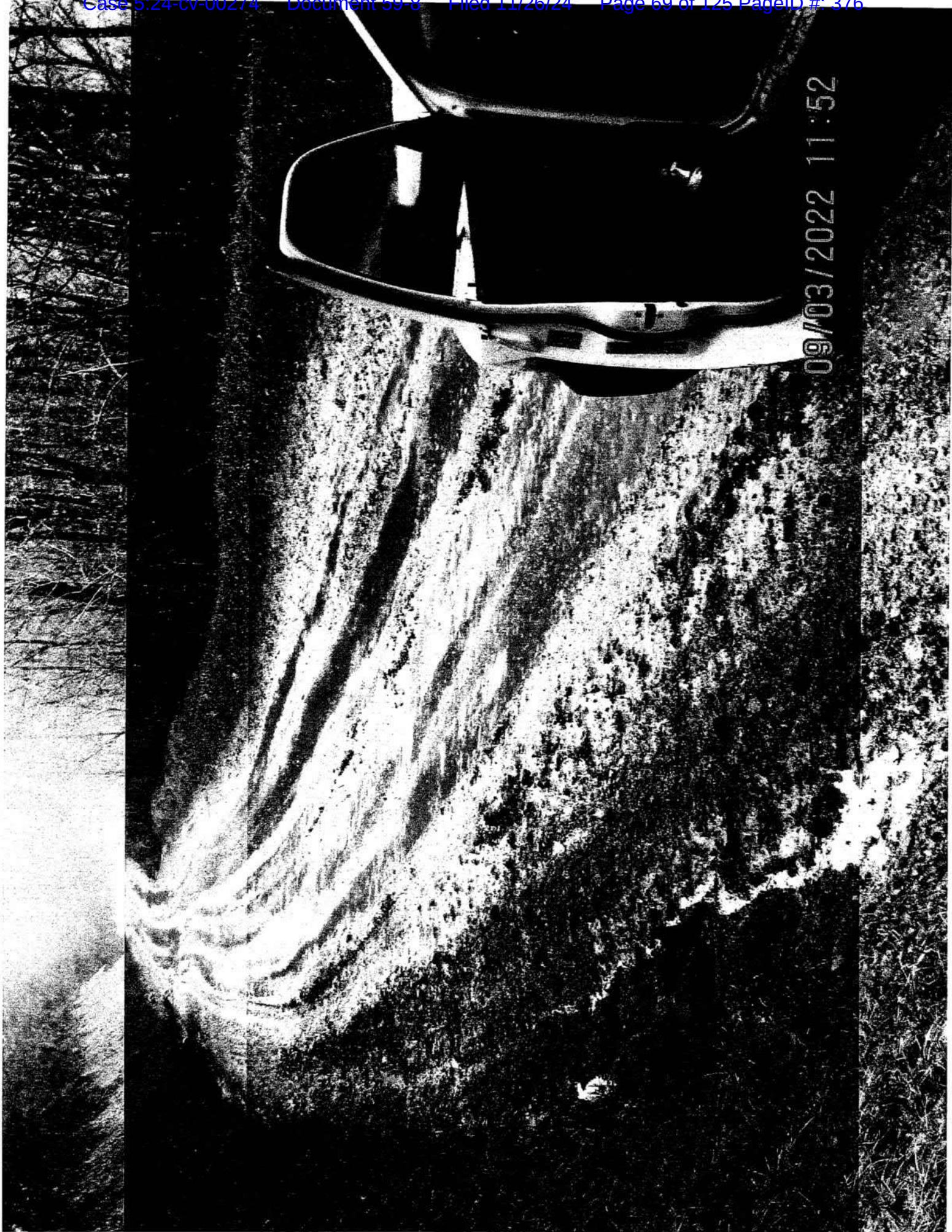




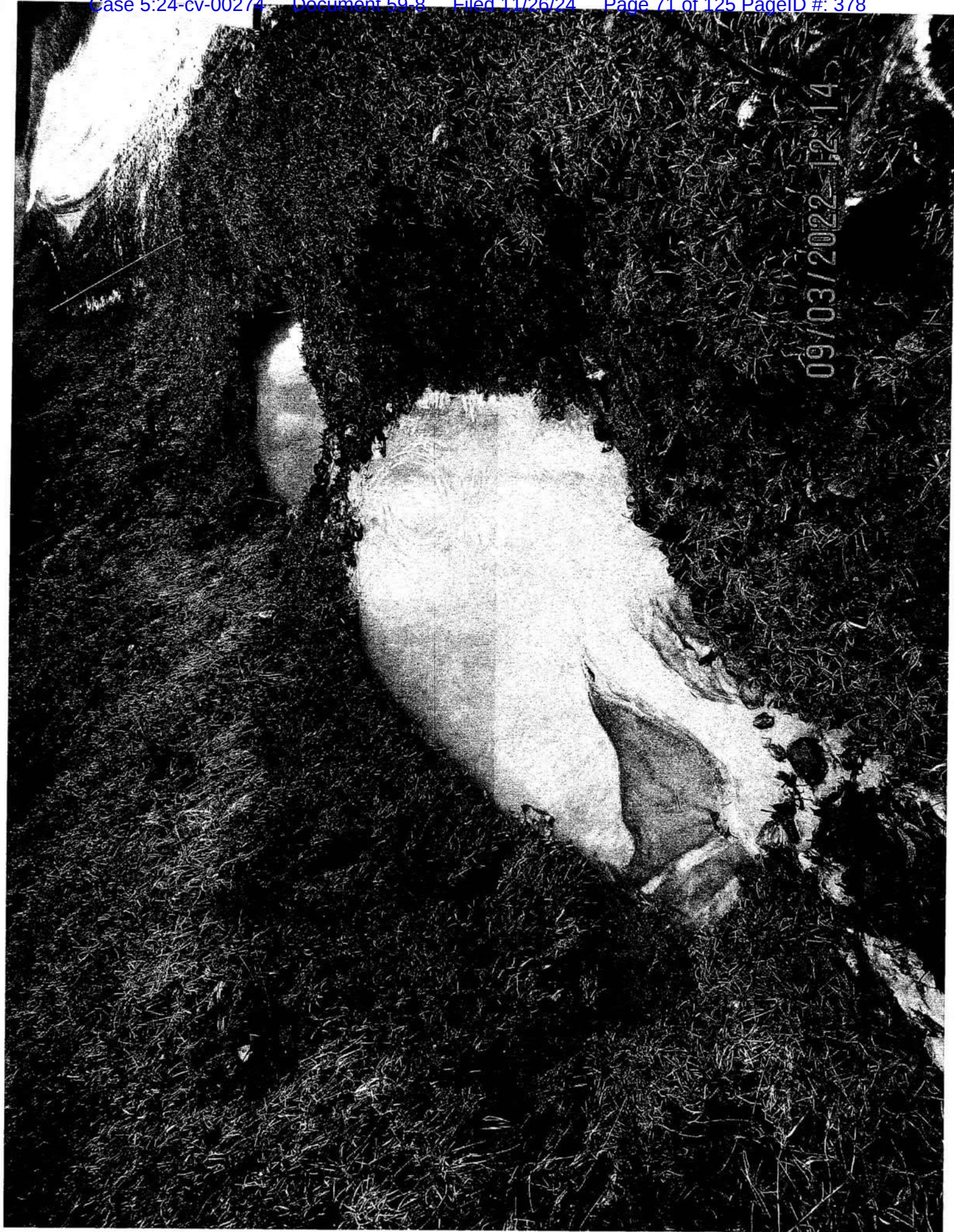
09/03/2022 11:52











09/03/2022 12:14







09/03/2022 12:17

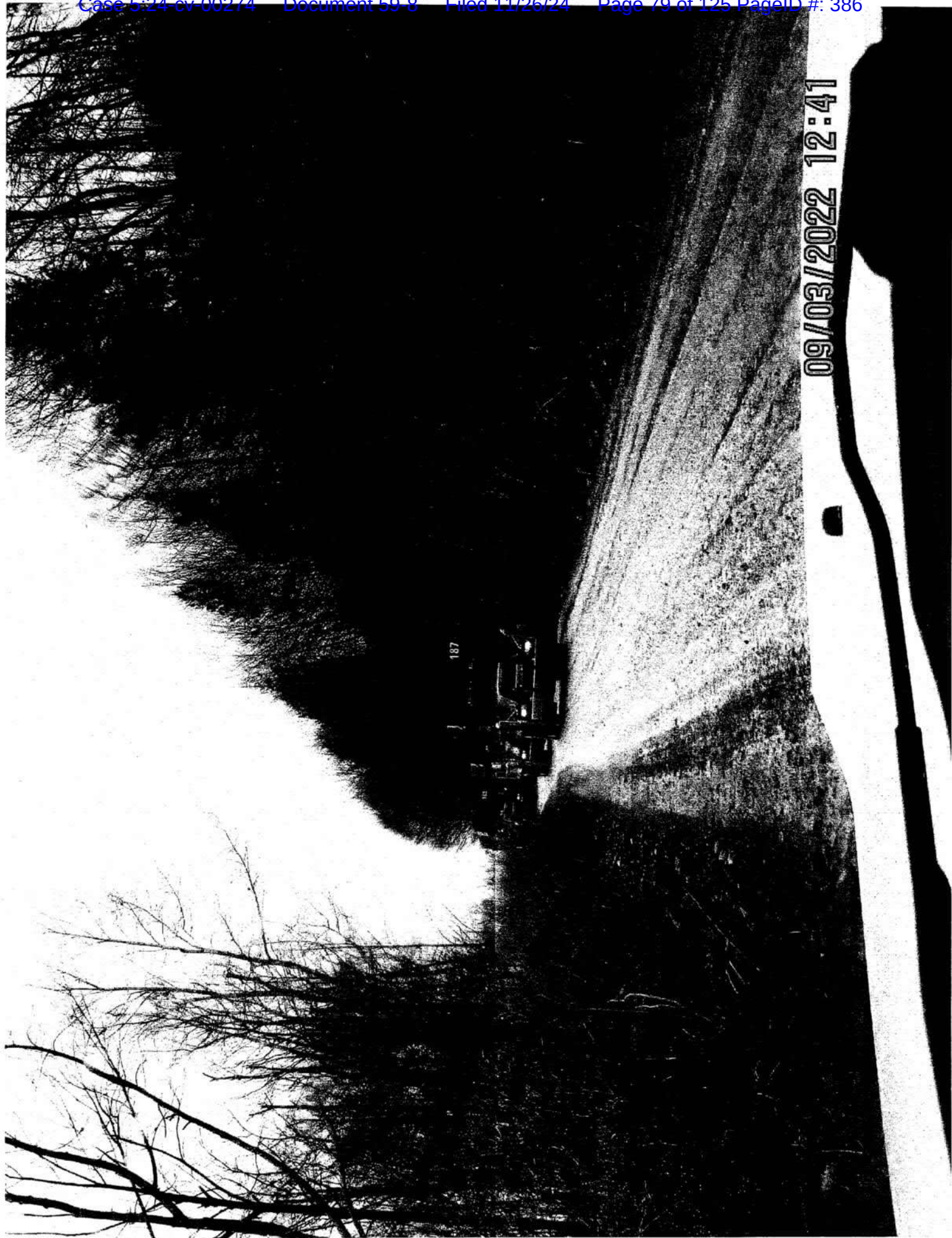




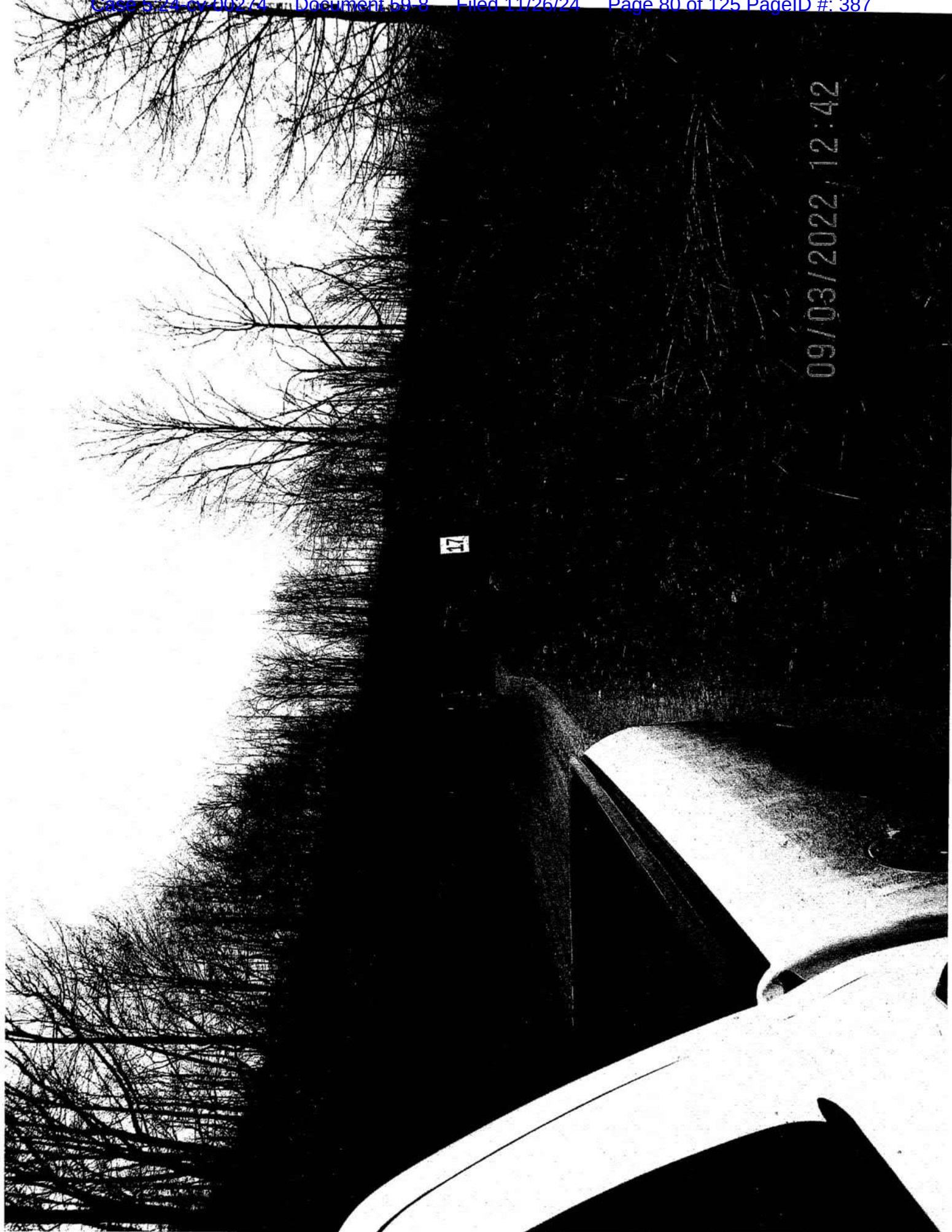




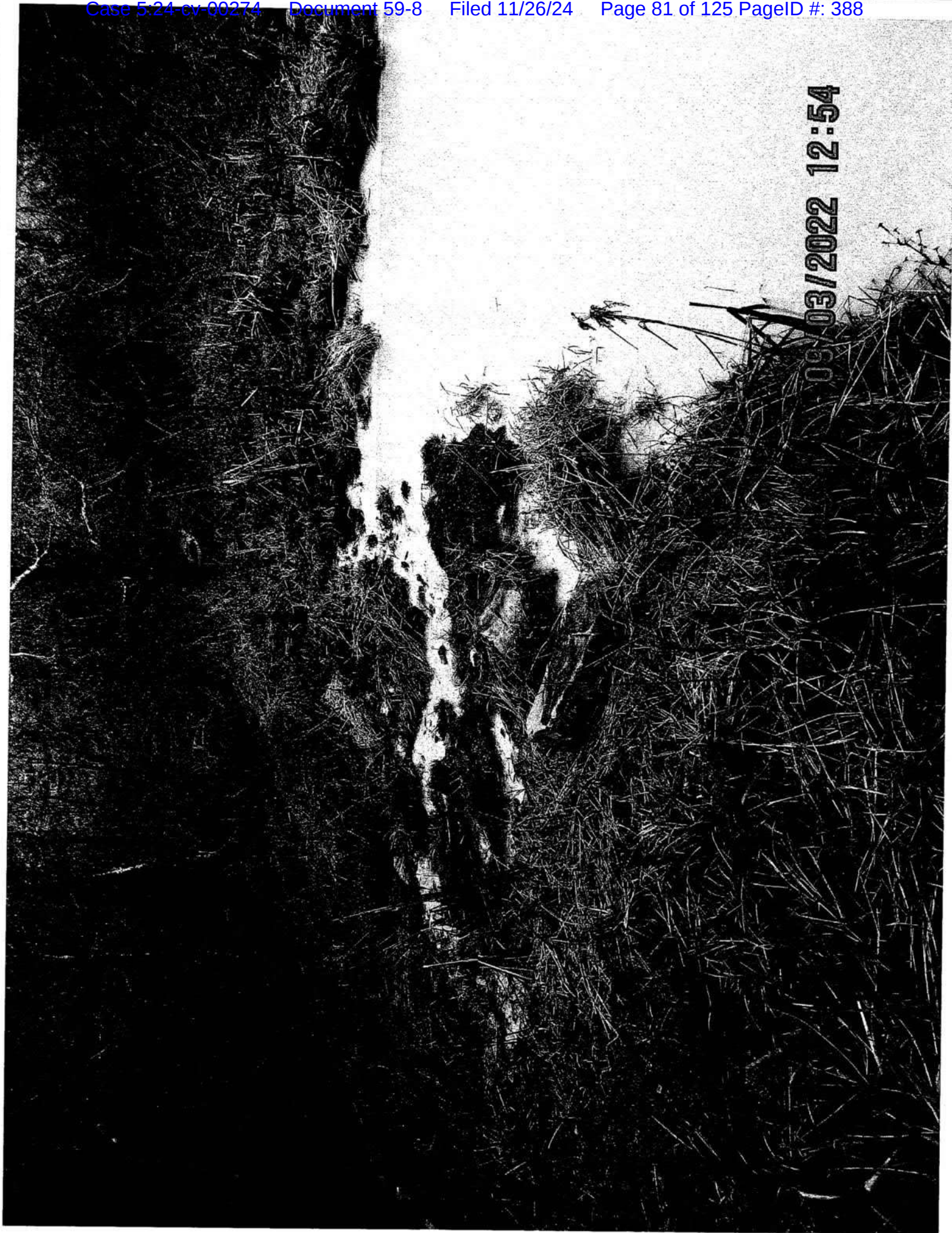
09/03/2022 12:36



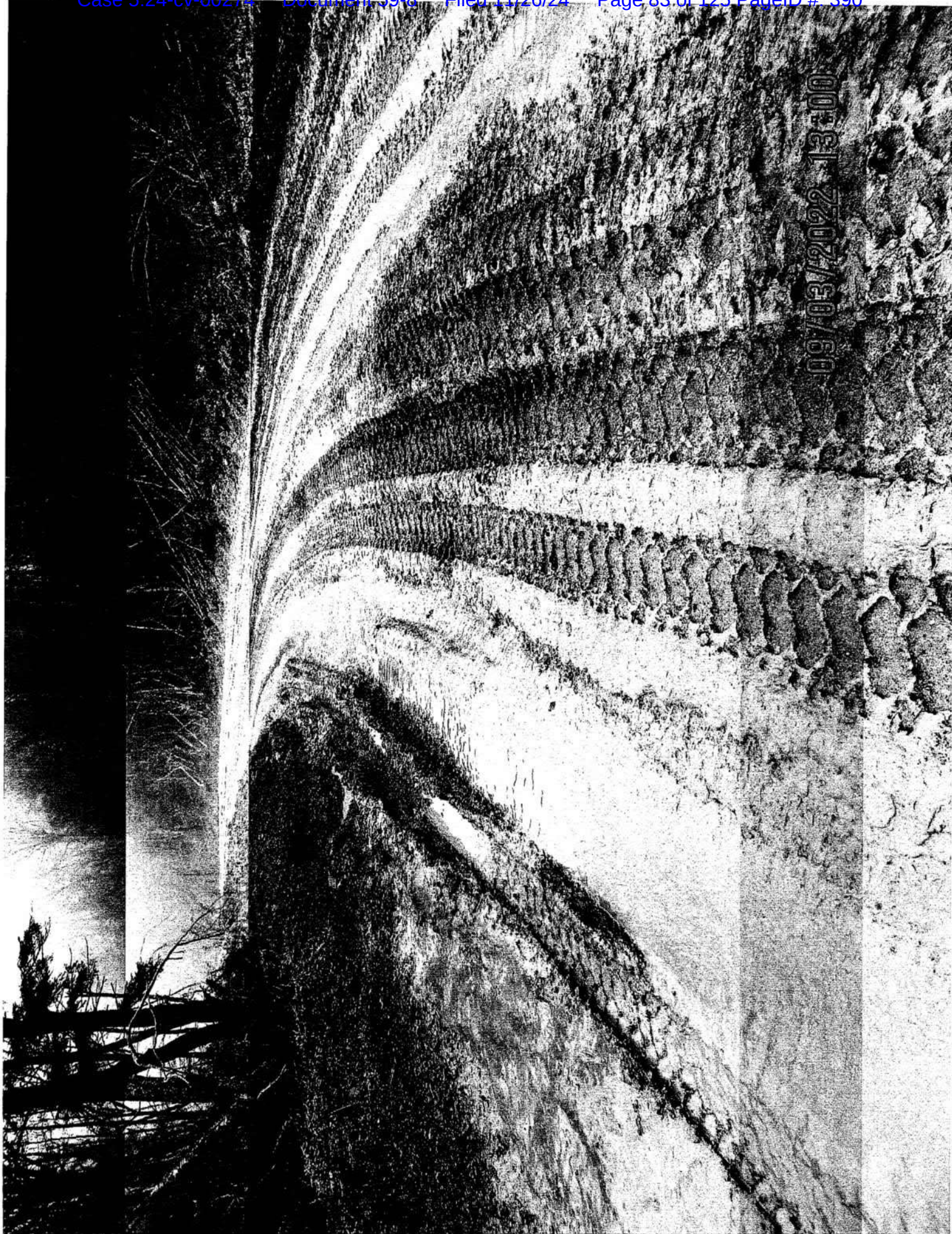
09/03/2022 12:41

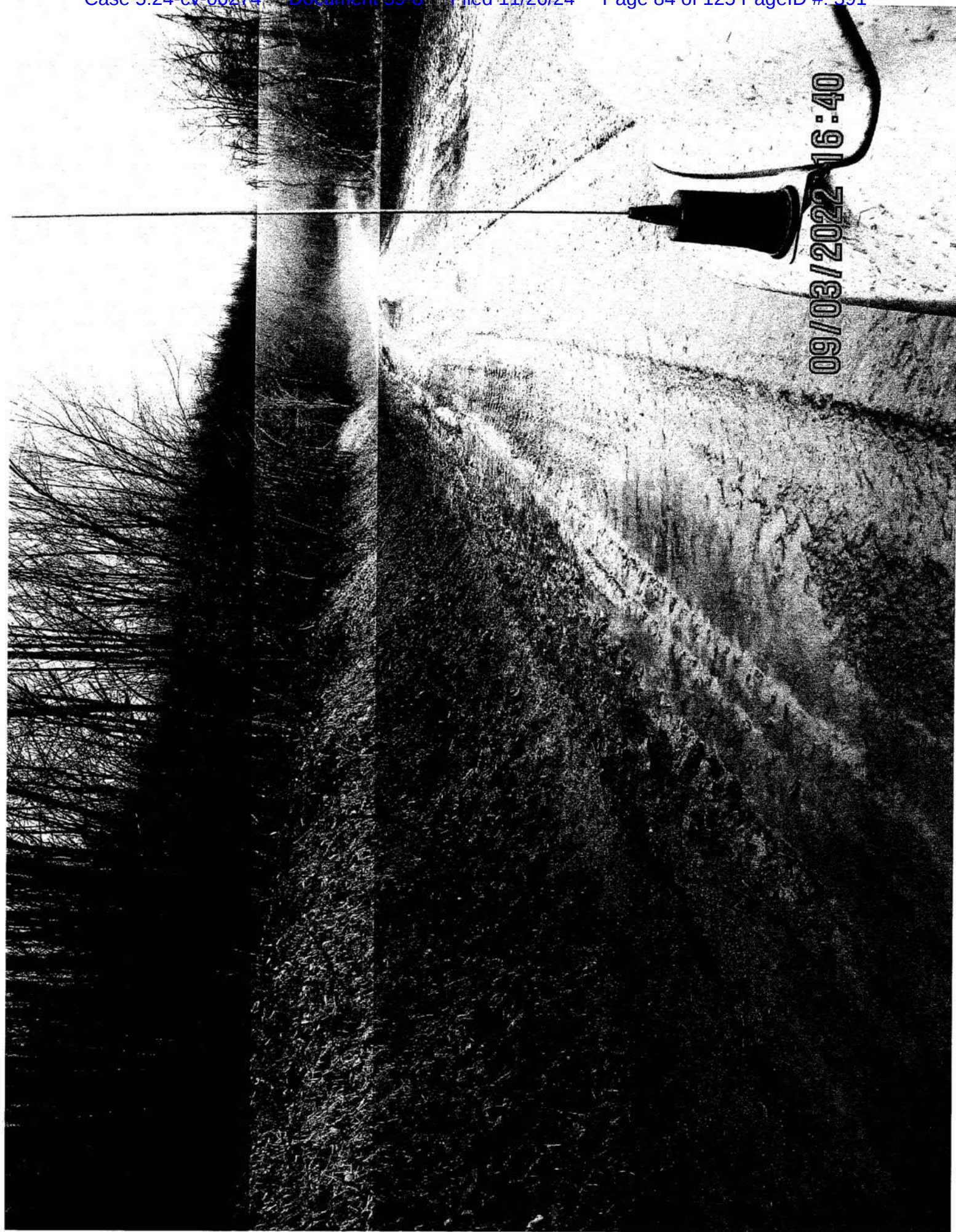


09/03/2022 12:54

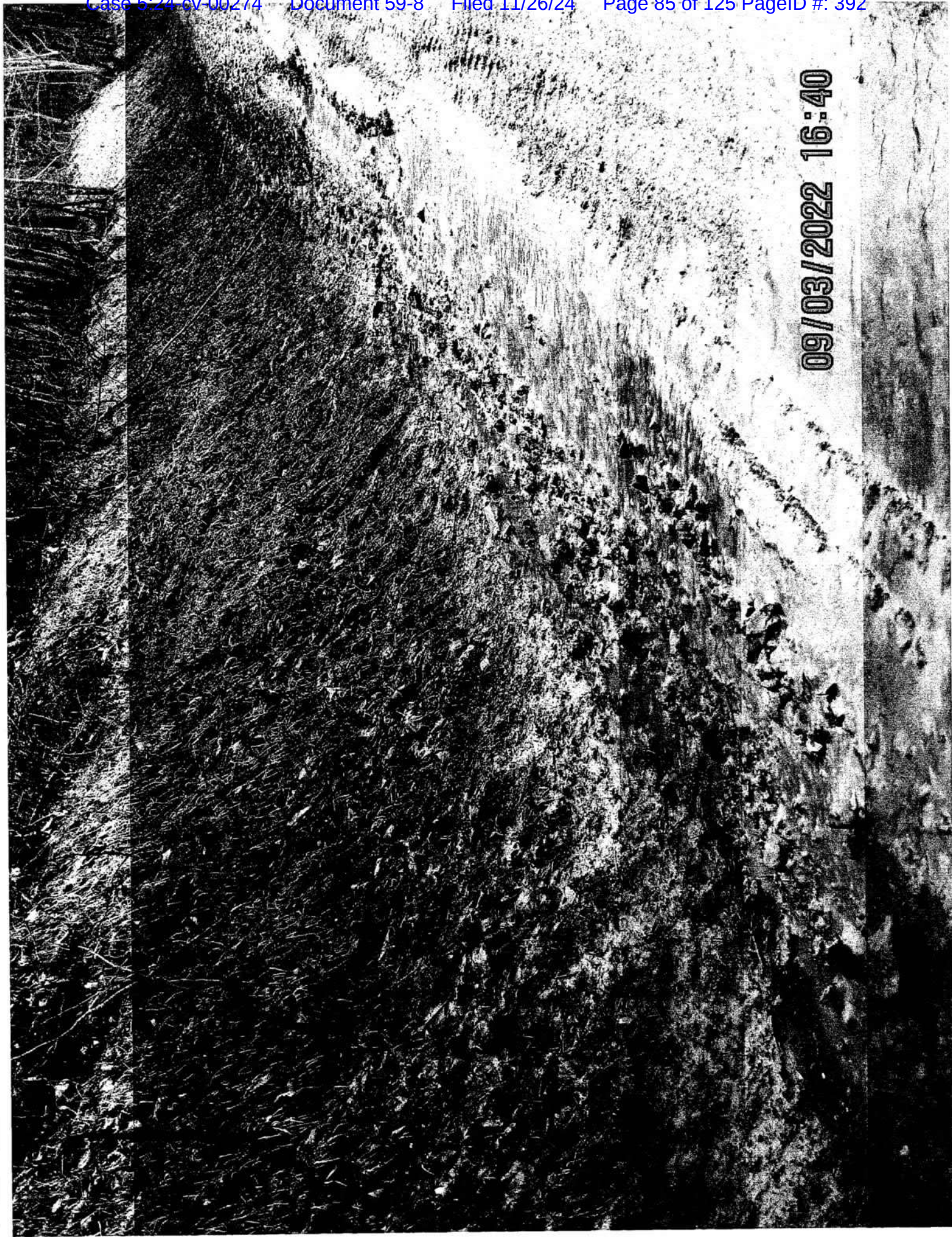




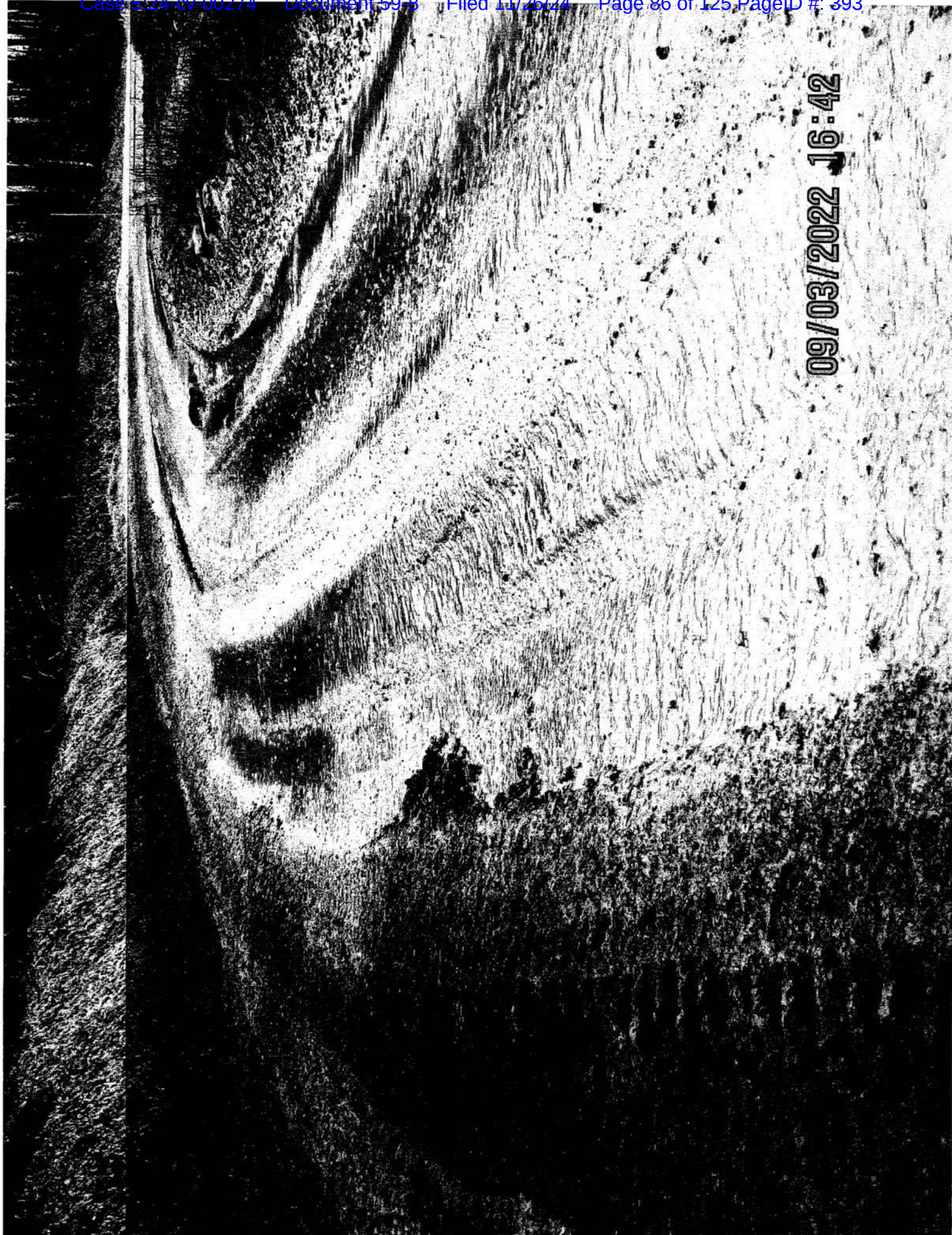




09/03/2022 16:40



09/03/2022 16:42



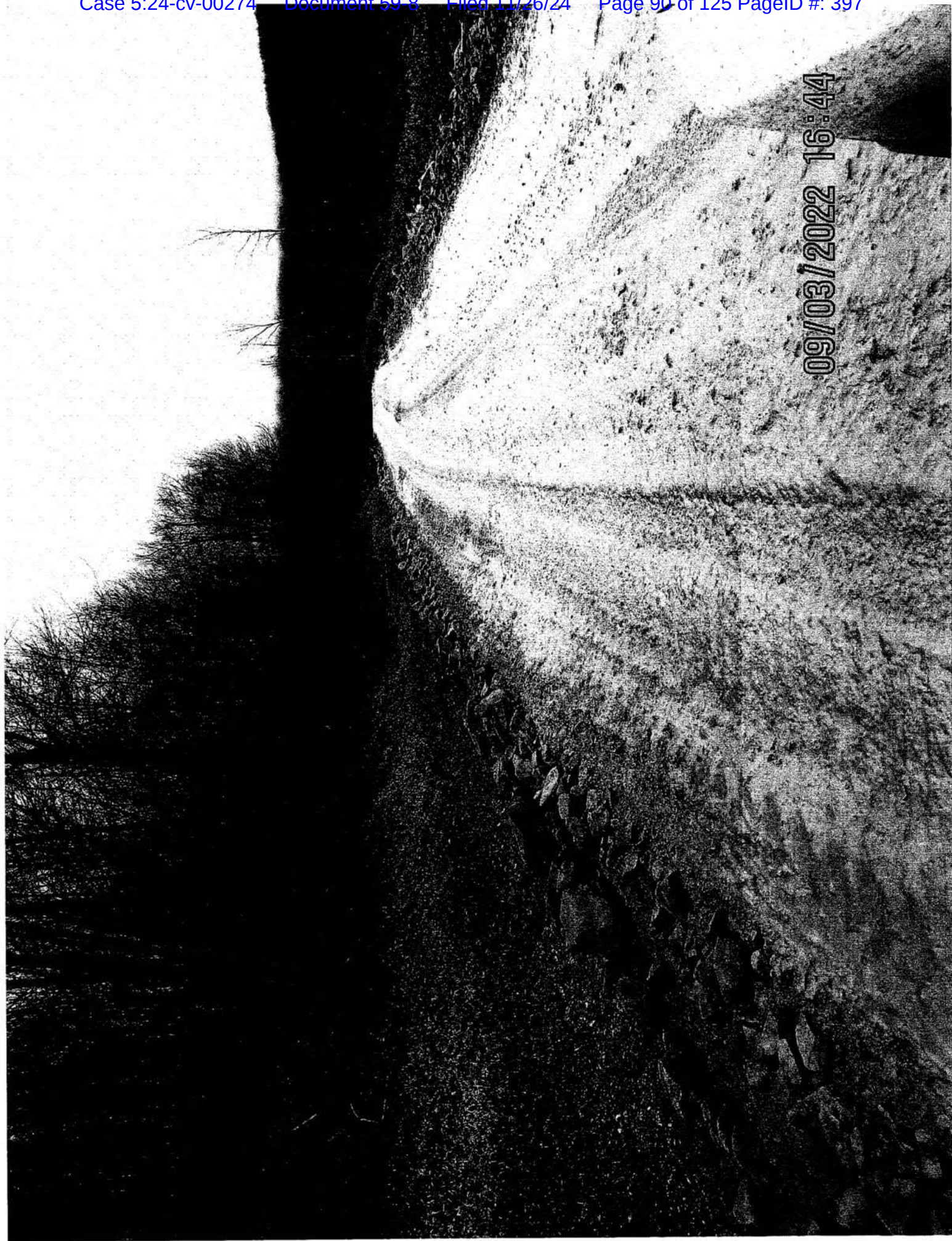
09/03/2022 16:46



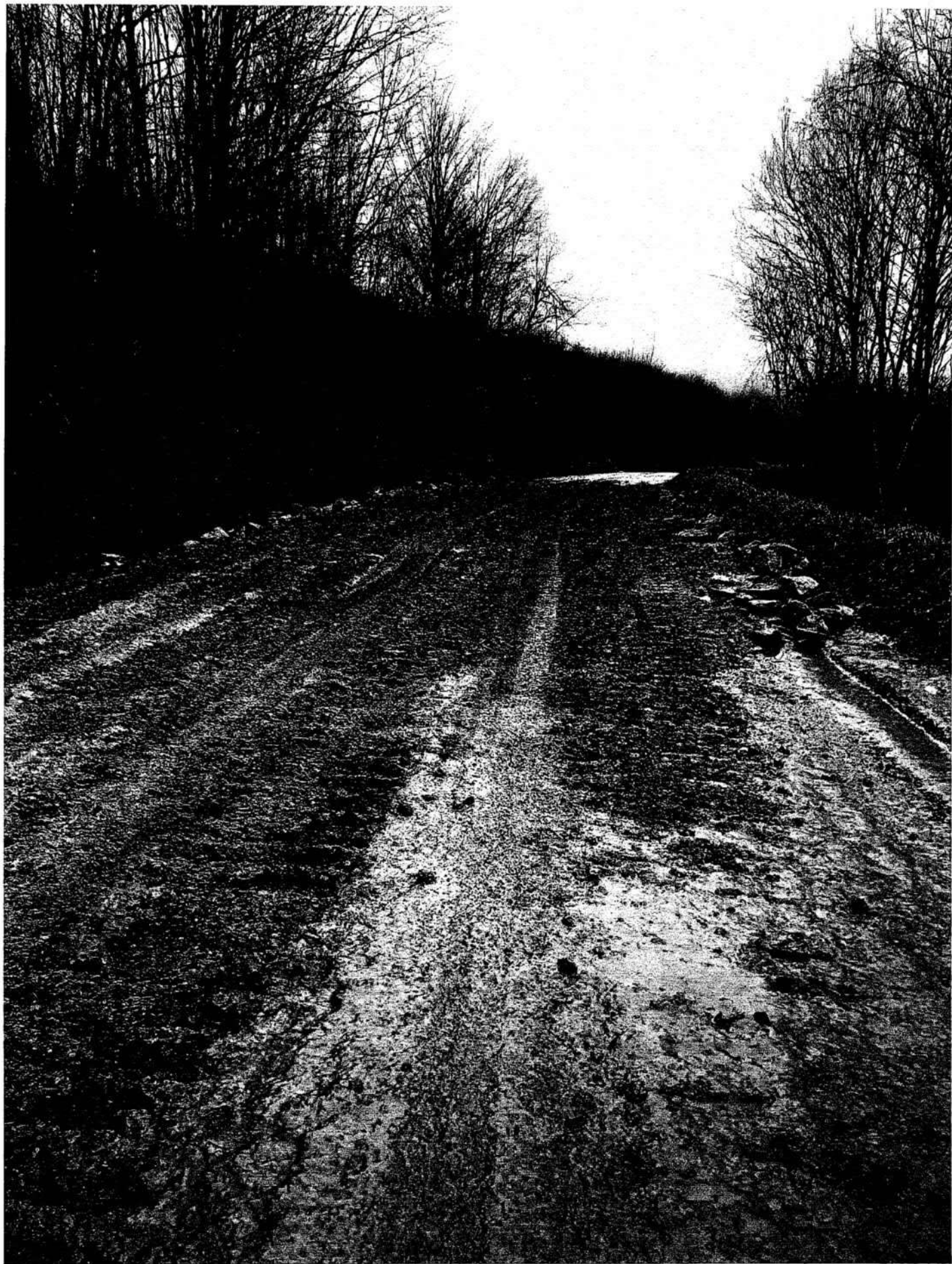


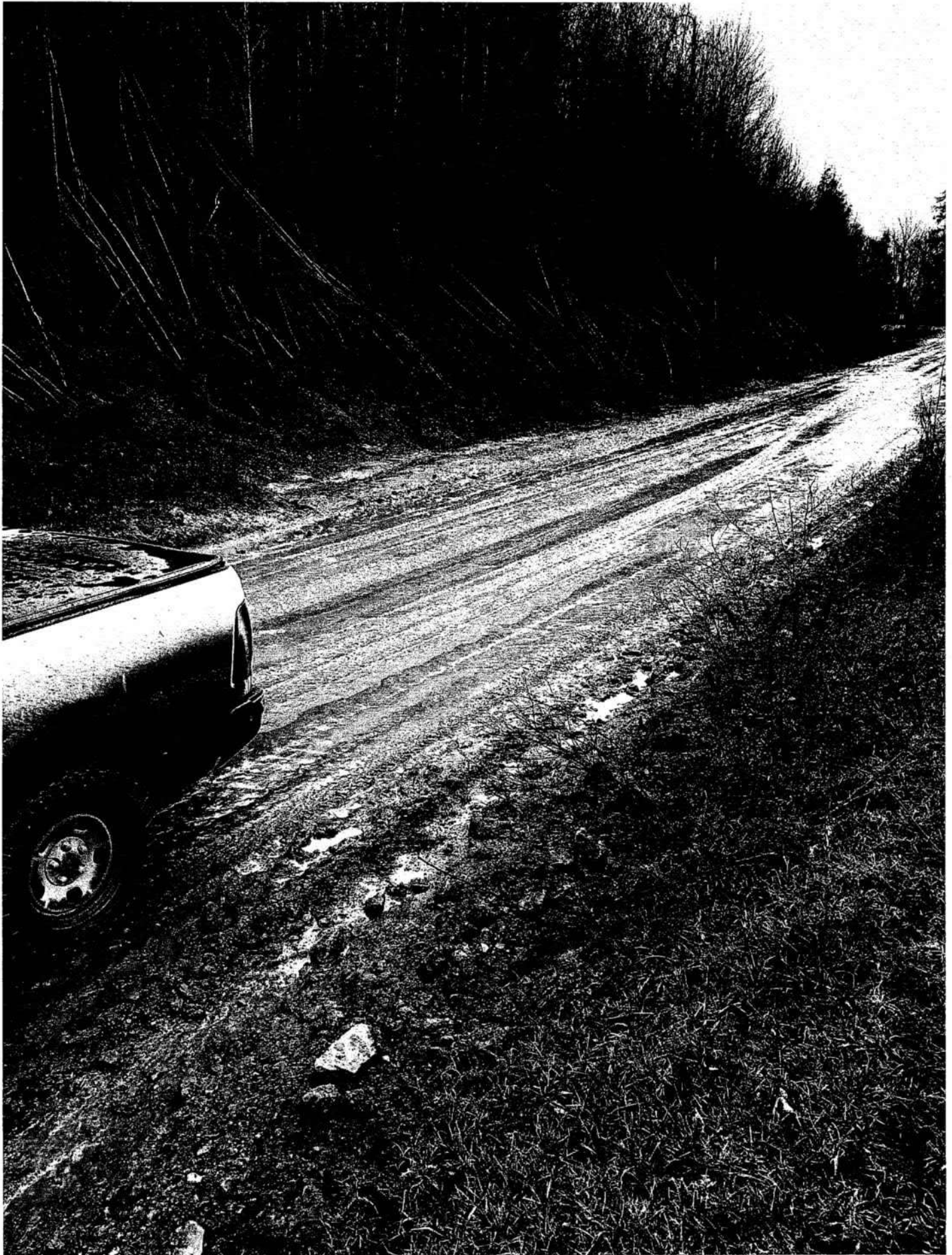


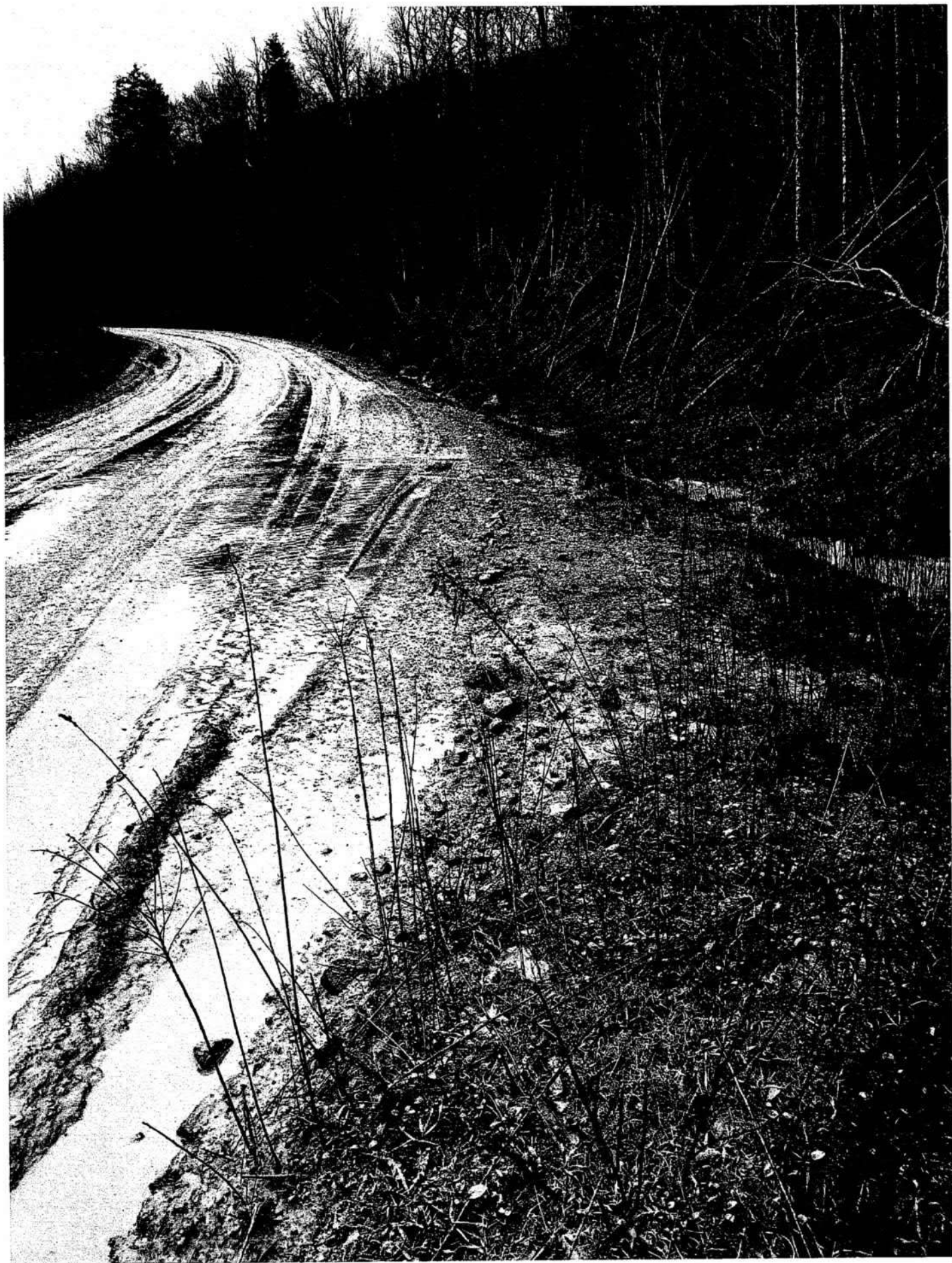
09/03/2022 16:45



09/03/2022 16:44









3/10/22, 3:37 PM

IMG-1765.jpg









Exhibit 5
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	03/18/2022	14:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLCViolation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted☒ Extended to 03/28/2022 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Company can resume hauling of coal.Work on the haulroad is ongoing with multiple pieces of equipment. The company also brought in a rock crusher to help produce additional stone for the road. All remedial measures are still in place as originally written.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 3/22/2022 11:50:00CERTIFIED MAIL NUMBER 7019 0700 0001 3166 4102ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]

Ryan Thomas
[WV DEP Representative]3-22-22
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

Exhibit 6
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	03/29/2022	12:30

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLCViolation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted☒ Extended to 04/05/2022 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Company continuing to work on remedial measures with multiple pieces of equipment. Progress toward abatement needs to increase to prevent further disturbances.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 4/4/2022 12:57:00CERTIFIED MAIL NUMBER 7019 0700 0001 3166 4713ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]


[WV DEP Representative]4-4-22
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center;">South Fork Coal Company, LLC 1295 Ashford Hill Rd. Ashford, WV 25009</p> <p>9590 9402 6061 0125 9498 96</p> <p>2. Article Number (Transfer from service label) 7019 0700 0001 3166 4713</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>4-7</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</p>			

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

7019 0700 0001 3166 4713

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	\$ 3.05
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 78
Total Postage and Fees	\$ 7.78

Sent to
Street
City

South Fork Coal Company, LLC
1295 Ashford Hill Rd.
Ashford, WV 25009

Postmark
Here
6
2022

SAFETYVILLE, WV 25340

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


 Southern Fork Coal Company, LLC
 12 Ashford Hill Rd.
 Ashford, WV 25009



9500 02 6061 0125 9498 41

Transit 001 3166 4102

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X h.s.☒ Agent☐ Addressee

B. Received by (Printed Name)

H.T. OGUCHI

C. Date of Delivery

3-28-22
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit 7
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	04/05/2022	11:30

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLCViolation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted☒ Extended to 04/25/2022 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 4/15/2022 12:18:00CERTIFIED MAIL NUMBER 7021 1970 0001 7291 6672ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]

Ryan Thomas 4-15-22

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

South Fork Coal Company, LLC
 1295 Ashford Hill Rd.
 Ashford, WV 25009



9590 9402 7034 1225 2975 21

2. Article Number (Transfer from envelope, if applicable)

7021 1970 0001 7291 6672

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
 B. Received by (Printed Name) C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☐ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Insured Mail ☐ Restricted Delivery (over \$500)

Domestic Return Receipt

U.S. Postal Service™
 CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL MAIL

Certified Mail Fee

\$ 3.75

Extra Services & Fees (check box, add fee)

- ☒ Return Receipt (hardcopy) \$ 2.85
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery \$

305 \$ 000.00⁰

177388 APR 21, 2022

Postage

\$ 1.58

Total Postage and Fees

\$ 7.38

Sent
 Street South Fork Coal Company, LLC
 1295 Ashford Hill Rd.
 City, State, ZIP+4® Ashford, WV 25009

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Exhibit 8
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	05/03/2022	12:45

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☒ Extended to 05/20/2022 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason Miller

DELIVERY METHOD / DATE TIME Hand 5/11/2022 14:04:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Ryan L. Thomas

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date _____

Names of individuals at informal Conference:

Results: CO was:	<input type="checkbox"/> Upheld	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated	<input type="checkbox"/> Withdrawn
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Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

Exhibit 9
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	06/06/2022	08:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLCViolation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted☒ Extended to 07/07/2022 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Extension request received. Company believes the haulroad has been restored to performance standards. They are continuing to do routine maintenance. This extension is given to allow time to do a follow-up on site.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 6/7/2022 12:36:00CERTIFIED MAIL NUMBER 7021 1970 0001 7291 7785ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]


[WV DEP Representative]6-7-22
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____



**WHITE FOREST
RESOURCES**

**SOUTH FORK COAL COMPANY, LLC
RAVEN CREST CONTRACTING, LLC**

**1295 ASHFORD HILL ROAD
ASHFORD, WEST VIRGINIA 25009
PH: (304) 836-5860
FX: (304) 836-5862**

May 31, 2022

Mr. Ryan Thomas
WV Department of Environmental Protection
1159 Nick Rahall Greenway
Fayetteville, WV 25840

RE: WVDEP Permit No. O-3022-11 NOV #1
South Fork Coal Co., LLC

Dear Mr. Thomas:

In accordance with 38CSR2 20.2.e.1 we respectfully request an extension beyond 90 days to the aforementioned violation on our Permit O-3022-11. We believe the required field work to bring the road surface and drainage up to required standards has been completed. This extension will allow you to review the road and let us know if you agree with us.

We appreciate your time and consideration of this request. Please do not hesitate to make contact if you have any questions or require additional information. You may reach me anytime on my cell at (304) 545-0724.

Kindest regards,

Jason C. Miller.
Manager of Environmental, and Government Affairs

*I recommend approval
up to 7-7-22.*

Manuel Seip 6/9/2022

Exhibit 10
to Standing Declaration of Andrew W. Young

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
O302211	03/03/2022	10:00	6 (rev 4/20)		1000	1	06/22/2022	11:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

The remedial measures have been completed. Routine maintenance is ongoing.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 6/23/2022 10:02:00CERTIFIED MAIL NUMBER 7021 1970 0001 7291 7815ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Ryan L. ThomasHarold D. Ward

[Secretary, Department of Environmental Protection]

 [WV DEP Representative]6-23-22
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> South Fork Coal Company, ELC 1295 Ashford Hill Rd. Ashford, WV 25009 </div> <div style="text-align: center;">  9590 9402 6061 0125 9480 80 </div> <p>2. Article Number (Transfer from service label)</p> <div style="border: 1px solid black; padding: 2px; margin: 5px 0;"> 7021 1970 0001 7291 7815 </div>		<p>A. Signature</p> <p>X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit 11
to Standing Declaration of Andrew W. Young

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
O302211	03/02/2023	09:51	6 (rev 4/20)		1000	03/02/2023	10:02	2	580

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# pending NPDES # WV1026593

OWNER/CONTROLLER _____ If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 02nd day of March, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

22-3-13(b)(10)(B)

Reg 38-2-

4.7.a.4.

[DOV] Description of Violation:

Company has failed to control or prevent additional contributions of suspended solids to runoff outside the permit area in that sumps located at road marker 15 were discharging extremely discolored water from the haulroad. Samples taken show that water leaving the haulroad permit was discharging with a level of 724 mg/l.

[REM] Remedial Measures:

Construct additional sumps to adequately control drainage in the area of violation so as to prevent future contributions of suspended solids to runoff outside the permit area.

MUST BE CORRECTED BY DATE 03/20/2023 08:00☒ NOV Issued☐ CO Modified to NOV☒ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 3/2/2023 16:00:00CERTIFIED MAIL NUMBER 7021 1970 0001 7291 7624ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

03/02/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

ANALYTICAL RESULTS

Project: SF21723
Pace Project No.: 30564030

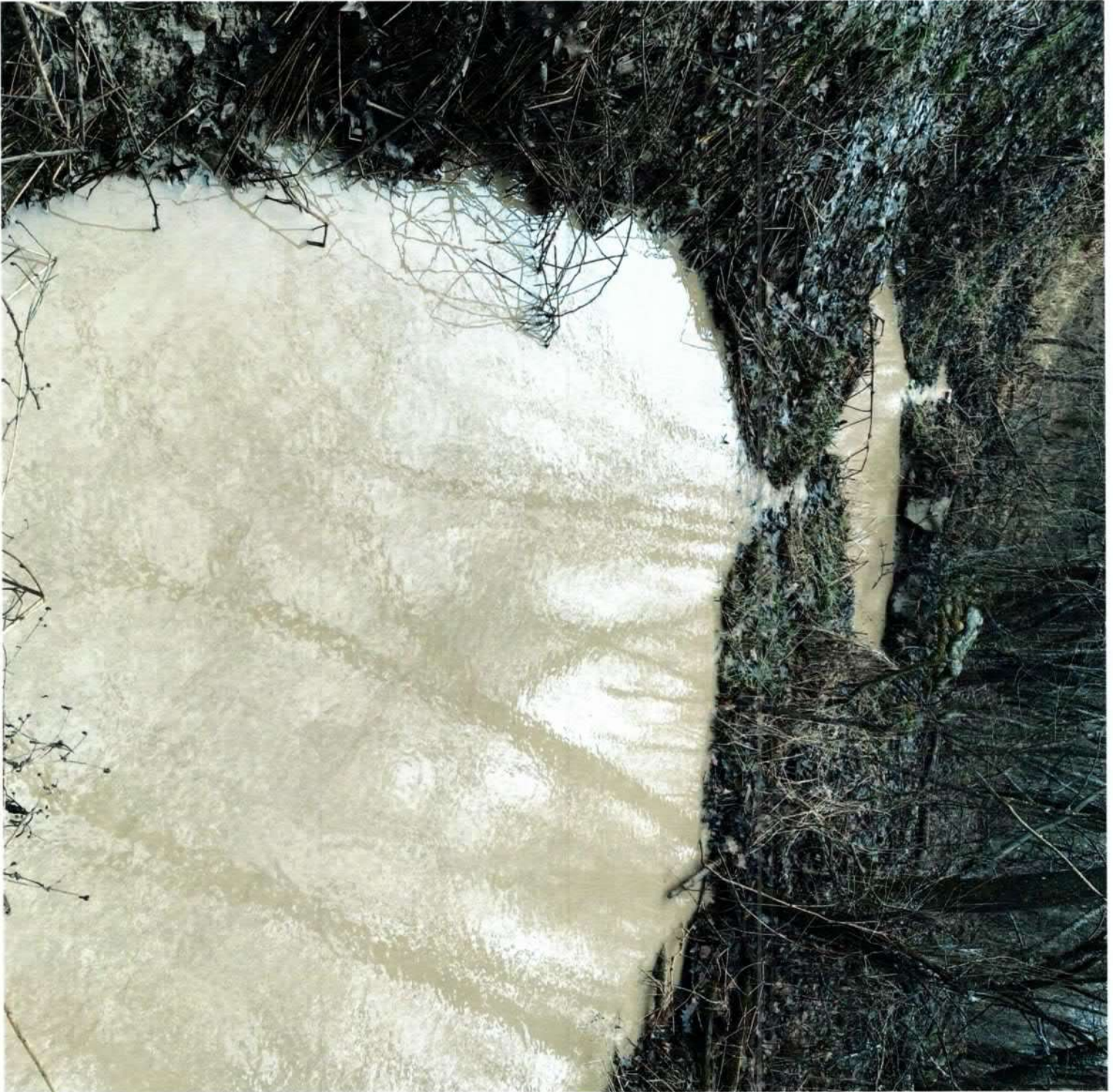
Sample: SF21723 15SUMP		Lab ID: 30564030002		Collected: 02/17/23 11:25		Received: 02/20/23 18:00		Matrix: Water	
Parameters	Results	Units	Report Limit	MDL	DF	Prepared	Analyzed	CAS No.	Qual
BVR 2540D Total Suspend Solids		Analytical Method: SM 2540D-2015 Pace Analytical Services - Beaver							
Total Suspended Solids	724	mg/L	10.0	4.0	1		02/23/23 15:11		
2540F BVR Total Settleable Sol		Analytical Method: SM 2540F-2015 Pace Analytical Services - Beaver							
Total Settleable Solids	0.40	mL/L/hr	0.30	0.30	1		02/21/23 13:26		H3

REPORT OF LABORATORY ANALYSIS

Date: 02/28/2023 01:47 PM

This report shall not be reproduced, except in full,
without the written consent of Pace Analytical Services, LLC.

Page 6 of 12



15 Marker
Sumps



Sump Flow
off-site

7021 1970 0001 7291 7624

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Domestic Mail Only
For delivery information, visit our website at www.usps.com[®].

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Certified Mail Fee
\$ 4.15

Extra Services & Fees (check box, if applicable)
☐ Return Receipt (hardcopy)
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery

Postage
\$ 8.34

Total Postage and Fees
\$ 12.49

Sent
South Fork Coal Company, LLC
1295 Ashford Hill Rd.
Ashford, WV 25009

City
Fayetteville

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

FAYETTEVILLE POST OFFICE
MAR 03 2023
Postmark
Here

120 W MAPLE AVENUE
FAYETTEVILLE WV 25900

FR: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Attach this card to the back of the mailpiece, or on the front if space permits.
 Article Addressed to:

South Fork Coal Company, LLC
 1295 Ashford Hill Rd.
 Ashford, WV 25009

9590 9402 6260 0265 8165 76

7021 1970 0001 7291 7624

Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ X ☐ Agent

B. Received by (Printed Name) ☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

MAR 08 2023

BY

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail (over \$500)	
<input type="checkbox"/> Insured Mail Restricted Delivery	

Domestic Return Receipt

Exhibit 12
to Standing Declaration of Andrew W. Young

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
O302211	03/08/2023	11:00	6 (rev 4/20)		1000	03/08/2023	11:15	3	580

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____

(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 08th day of March, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17

Reg 38-2-
4.7.a.4.

[DOV] Description of Violation:

Company has failed to ensure that the maintenance of the haulroad prevents excessive dust from leaving the site.

[REM] Remedial Measures:

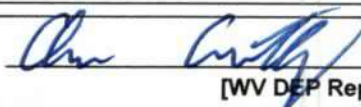
Use any acceptable dust suppressant to ensure that dust is under control.

MUST BE CORRECTED BY DATE 03/08/2023 13:30☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Burke MartinDELIVERY METHOD / DATE TIME Hand 3/8/2023 11:30:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

03/08/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.